

Horse Goods, Branch No. 11, Davenport, Iowa, in favor of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMS: Papers to accompany House bill for the relief of John Mincey—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of Mary J. Moody—to the Committee on War Claims.

By Mr. SKILES: Petition of Getus Richards Post, No. 681, Grand Army of the Republic, Department of Ohio, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

Also, petition of citizens of Mansfield, Ohio, favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Barbers' Union of Loraine, Ohio, and Railroad Trainmen's Lodge of Bellevue, Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Womans' Christian Temperance Union of Oberlin, Ohio, against the repeal of the present divorce law of the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Womans' Christian Temperance Union of Oberlin, Ohio, for the publication of 10,000 copies of Senate document "Protection of native races," etc.—to the Committee on Printing.

By Mr. SOUTHARD: Resolution of Division No. 26, Order of Railway Conductors, Toledo, Ohio, favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. VREELAND: Resolution of Barbers' Union No. 178 and Painters and Decorators' Union, of Jamestown, N. Y., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, resolutions of Cigar Makers' Union No. 203, of Wellsville, N. Y., and Steel Cabinet Workers' Union, of Jamestown, N. Y., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. WARNER: Resolutions of Meadow Lawn Division, No. 577; St. Clair Division, No. 49; Dake Division, No. 303; Garden City Division, No. 253; Peck Division, No. 394; White City Division, No. 580; Egyptian Division, No. 512; Tilton Division, No. 404; Division 315, and general committee of adjustment, Brotherhood of Locomotive Engineers, on the system of Illinois Central Railroad; also, Enterprise Lodge, No. 27; Tri-City Lodge, No. 617, and Lodge No. 24, Brotherhood of Railroad Trainmen; Division 76, Order of Railroad Telegraphers; Alton Division, No. 388; Peoria Division, No. 79, and Illinois Valley Division, No. 222, Order of Railroad Conductors; Viola Lodge, No. 350; Zealous Lodge, No. 217, and Central Park Lodge, No. 237, Brotherhood of Locomotive Firemen, in the State of Illinois, favoring bill to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

By Mr. WARNOCK: Papers relating to the claim of F. D. Bain, major and surgeon, Second Ohio Volunteer Infantry, in the war with Spain—to the Committee on War Claims.

Also, petition of Francis W. Whip, Company H, Thirty-first Regiment Ohio Volunteers, Byhalia, Ohio, for relief—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill to amend the military record of William H. Smith—to the Committee on Military Affairs.

By Mr. WOODS: Petition of the American Chamber of Commerce, of Manila, P. I., suggesting needed legislation for the Philippine Islands—to the Committee on Insular Affairs.

## SENATE.

WEDNESDAY, March 19, 1902.

Prayer by Rev. F. J. PRETTYMAN, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. VEST, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. It is approved.

### THE YELLOWSTONE NATIONAL PARK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a draft of a bill providing for the extension of the limits of the Yellowstone National Park, and for the protection of the game therein, together with papers from the files of the Department, indicating the necessity for such legislation; which, with the accom-

panying papers, was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed.

### SHIP JAMES AND WILLIAM.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and of the opinion of the court filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relating to the vessel, ship *James and William*, Nicholas Monnycott, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hauger, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PARKER, Mr. MONDELL, and Mr. JETT managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution of the Senate to print 1,900 copies of the Review of the World's Commerce for 1901 and 11,000 copies of Commercial Relations of the United States for 1901.

The message further announced that the House had passed, with amendments, the concurrent resolution of the Senate to print 5,000 copies of Senate Report No. 1, from the Committee on Inter-oceanic Canals; in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1980) to establish a marine hospital at Savannah, Ga.;

A bill (H. R. 3278) to correct the military record of C. R. Dickson;

A bill (H. R. 4607) to provide for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.;

A bill (H. R. 5224) for the relief of Edward Kershner;

A bill (H. R. 6300) to provide for the erection of a dwelling for the keeper of the light-house at Kewaunee, Wis.;

A bill (H. R. 11241) to amend an act entitled "An act to regulate in the District of Columbia the disposal of certain refuse, and for other purposes," approved January 25, 1898;

A bill (H. R. 11474) for the acknowledgment of deeds and other instruments in the Philippine Islands and Porto Rico affecting lands in the District of Columbia or any Territory of the United States;

A bill (H. R. 11719) to amend an act entitled "An act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River;"

A joint resolution (H. J. Res. 161) authorizing the Secretary of War to loan tents to the Texas Reunion Association; and

A joint resolution (H. J. Res. 162) authorizing and requesting the President to extend to the Government and people of France and to the families of Marshal de Rochambeau and Marquis de Lafayette an invitation to join the Government and people of the United States in the dedication of the monument to Marshal de Rochambeau, to be unveiled in the city of Washington.

### PETITIONS AND MEMORIALS.

Mr. VEST presented petitions of Tobacco Workers' International Union No. 4, of St. Louis; of Truck Drivers' Local Union No. 189, of St. Joseph; of Glass Bottle Blowers' Local Union No. 89, of Kansas City, all of the American Federation of Labor, and of Local Division No. 72, Order of Railroad Telegraphers, of St. Joseph, all in the State of Missouri, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of the Truck Drivers' Local Union, of St. Joseph; of Stove Mounters' Local Union No. 34, of St. Louis; of Type Founders' Local Union No. 5, of St. Louis; of Journeymen Barbers' Local Union No. 259, of Sedalia; of Journeymen Barbers' Local Union No. 192, of Kansas City; of Journeymen Barbers' Local Union No. 191, of Springfield; of Coffin and Casket Workers' Local Union No. 84, of St. Louis; of Local Union No. 3, of St. Joseph; of Leather Workers' Local Union No. 70, of Springfield; of the United Brotherhood of Leather Workmen on Horse Goods, of St. Louis; of Typographical Union No. 119, of Jefferson City; of Typographical Union No. 80, of Kansas City; of Bakers' Local Union No. 83, of St. Joseph; of the Switchmen's Local Union, of St. Joseph; of Iron Molders' Local Union No. 10, of St. Louis, and of Garment Cutters and Trimmers' Local Union No. 26, of St. Louis, all of the American Federation of Labor;



of Local Division No. 2, Order of Railroad Telegraphers, of St. Louis; of Local Division No. 23, Order of Railroad Telegraphers, of St. Louis; of Local Division No. 72, Order of Railroad Telegraphers, of St. Joseph, and of Local Division No. 5, Order of Railroad Telegraphers, of Merwin, all in the State of Missouri, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. COCKRELL. I present petitions of Bricklayers' Local Union No. 4, of Kansas City; of Carriage and Wagon Workers' Local Union No. 86, of Kansas City; of Shirt Cutters' Local Union No. 31, of St. Louis; of Bakers' Local Union No. 85, of St. Joseph; of Stove Mounters and Steel Range Workers' Local Union No. 34, of St. Louis, all of the American Federation of Labor, and of Local Division No. 230, Order of Railway Conductors, of New Franklin, all in the State of Missouri, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions. I ask that the petitions be referred to the Committee on Immigration.

The PRESIDENT pro tempore. The bill has been reported.

Mr. FAIRBANKS. I will state to the Senator that the bill providing for the exclusion of Chinese was reported from the Committee on Immigration and is now upon the Calendar.

Mr. COCKRELL. I am aware of that fact. Let the petitions, however, be referred to the committee. They may give the committee some information and lead them to change their views.

The PRESIDENT pro tempore. Without objection, the petitions will be referred to the Committee on Immigration.

Mr. COCKRELL presented petitions of Cigar Makers' Local Union No. 233, of Sedalia; of the Cigar Makers' Local Union, of Hannibal; of Stove Mounters and Steel Range Workers' Local Union No. 15, of Hannibal; of Cigar Makers' Local Union No. 322, of Joplin; of the Brewery and Ice Workers' Local Union, of Joplin; of United Brewery Workmen's Local Union No. 93, of St. Joseph; of Cigar Makers' Local Union No. 95, of St. Joseph; of the Plasterers' Local Union, of St. Joseph; of the Coopers' International Local Union of St. Joseph; of Beer Drivers and Stablemen's Local Union No. 100, of Kansas City; of Cigar Makers' Local Union No. 102, of Kansas City; of Iron Molders' Local Union No. 162, of Kansas City; of Future City Local Union No. 1, of St. Louis; of Shirt Cutters' Local Union No. 31, of St. Louis; of the Amalgamated Association of Marble Setters and Tile Layers' Union, of St. Louis; of Marine Engineers' Beneficial Association No. 6, of St. Louis; of Coopers' International Local Union No. 37, of St. Louis; of Electrotypers' Local Union No. 36, of St. Louis; of Brewery Workers' Local Union No. 237, of St. Louis; of Brewers and Maltsters' Local Union No. 6, of St. Louis; of Brewery Oilers and Helpers' Local Union No. 279, of St. Louis; of Brewery Firemen's Local Union No. 95, of St. Louis, and of Brewery Laborers' Local Union No. 262, of St. Louis, all of the American Federation of Labor, in the State of Missouri, praying for the enactment of legislation to prohibit the immigration of persons, others than wives and children, who can not read; which were referred to the Committee on Immigration.

He also presented a petition of Jesse S. Owen Post, No. 345, Department of Missouri, Grand Army of the Republic, of Paynesville, Mo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Knobnoster, Mo., and a memorial of 456 citizens of the States of Missouri and Kansas, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. FAIRBANKS presented the petition of George Reiter and 82 other citizens of Fort Wayne, Ind., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented memorials of the Oliver Chilled Plow Works, of South Bend, and of the F. and N. Lawn Mower Company, of Richmond, in the State of Indiana, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of J. A. Randall and sundry other citizens of Indianapolis, Ind., praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented petitions of Company D, Second Infantry, of Indianapolis; of Company E, First Infantry, of Evansville; and of Company I, Second Infantry, of Union City, all of the National Guard, in the State of Indiana, praying for the enactment of legislation to increase the efficiency of the militia of the country; which were referred to the Committee on Military Affairs.

Mr. HEITFELD presented a petition of the Eastern Washington and Idaho Lumber Manufacturers' Association, praying for

the enactment of legislation enlarging the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. CULBERSON presented a petition of Typographical Union No. 452, of Waxahachie, Tex., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented petitions of Switchmen's Union, Alamo Lodge, No. 138, of San Antonio; of Team Drivers' Local Union No. 65, of Fort Worth; of Cigar Makers' Local Union No. 418, of Huntsville; of the Switchmen's Union, Lone Star Lodge, No. 178, of Waco; of Journeymen Barbers' Local Union No. 183, of Austin; of Journeymen Barbers' Local Union No. 179, of Waco; of Journeymen Barbers' Local Union No. 100, of Galveston; of Wood Workers' Local Union No. 35, of Galveston, and of the Amalgamated Meat Cutters and Butchers Workmen's Local Union, of Houston, all in the State of Texas, praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

Mr. CLARK of Montana presented a petition of 47 citizens of Bozeman, Mont., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of Stationary Engineers' Local Union No. 83, American Federation of Labor, of Butte, Mont., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

Mr. McLAURIN of Mississippi presented a petition of Bricklayers' Local Union No. 3, of Jackson, Miss., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a petition of Local Division No. 281, Brotherhood of Locomotive Engineers, of Vicksburg, Miss., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

Mr. PROCTOR presented petitions of sundry citizens of Springfield and Wheelock, in the State of Vermont, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of Retail Clerks Local Union No. 335, of Rutland, Vt., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

Mr. BARD presented a petition of Local Division No. 115, Order of Railway Conductors, of San Francisco, Cal., and a petition of 207 citizens of San Francisco, Cal., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. WETMORE presented a petition of 31 citizens of Westerly, R. I., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. NELSON presented a petition of the Northwest Manufacturers' Association of Minnesota, praying that an appropriation be made providing for the irrigation of the arid lands of the West; which was ordered to lie on the table.

He also presented a petition of Local Division No. 360, Order of Railway Conductors, of Two Harbors, Minn., and a petition of Lodge No. 82, Brotherhood of Locomotive Firemen, of Minneapolis, Minn., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented a petition of the Retail Grocers and General Merchants' Association of St. Paul, Minn., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented petitions of Seward Post, No. 91, Department of Minnesota, Grand Army of the Republic, of Pelican Rapids; of F. C. Choate Post, No. 67, Department of Minnesota, Grand Army of the Republic, of Detroit, and of Machinists' Local Union No. 197, American Federation of Labor, of Brainerd, all in the State of Minnesota, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Switchmen's Local Union No. 7, of Minneapolis; of the Granite Cutters' National Union, of St. Paul; of Blacksmiths' Local Union No. 103, of Winona; of Local Union No. 4, of Minneapolis; of Stone Masons' Local Union No. 4, of Duluth, all of the American Federation of Labor, and of Local Division No. 40, Order of Railway Conductors, of St. Paul, all in the State of Minnesota, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented the affidavits of Francis M. Jeffries and Allen Jeffries, of Ira, Iowa; of Wade H. Harris, of Kosciusko County, Ind.; of William H. Staples, of Anoka County, Minn., and of Michael Gilligan and Michael Atchison, of Anoka County, Minn.,



in support of the bill (S. 1265) granting an honorable discharge to Michael Weiler; which were referred to the Committee on Military Affairs.

Mr. CULLOM presented petitions of Cigar Makers' Local Union No. 73, of Alton; of the Trade and Labor Assembly of Chicago Heights; of Local Division No. 206, Order of Railway Conductors, of Springfield; of Cigar Makers' Local Union No. 200, of Galesburg, and of Local Branch 78, Glass Bottle Blowers' Association, of East St. Louis, all in the State of Illinois, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. FORAKER presented petitions of Andover Grange, No. 1468, Patrons of Husbandry, of Andover; of 123 citizens of Burton; of 47 citizens of Huntington; of 46 citizens of Orangeville, and of 36 citizens of Yellow Springs, all in the State of Ohio, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of Electrical Workers' Local Union No. 32, of Lima, and of Carpenters' Local Union No. 245, of Cambridge, of the American Federation of Labor, in the State of Ohio, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of 5 citizens of Hancock County, Ohio, praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of the Cincinnati Metal Trades Association, of Cincinnati, Ohio, remonstrating against the passage of the so-called "Hoar anti-injunction bill," to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented memorials of Subordinate Association No. 8, of Cincinnati, and of Subordinate Association No. 19, of Coshocton, of the Lithographers' International Protective and Beneficial Association of the United States and Canada, in the State of Ohio, remonstrating against the adoption of certain amendments to the copyright law; which were referred to the Committee on Patents.

He also presented a memorial of the Cincinnati Metal Trades Association, of Cincinnati, Ohio, remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of the Retail Grocers' Association of East Liverpool, Ohio, praying for the passage of the so-called "pure-food bill;" which was referred to the Committee on Manufactures.

He also presented petitions of Operative Potters' Local Union No. 38, of Cincinnati; of Eagle Lodge, No. 15, Amalgamated Association of Iron, Steel, and Tin Workers, of Ironton, and of Good Hope Lodge, No. 59, Brotherhood of Railroad Trainmen, of Bucyrus, all in the State of Ohio, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of Bucyrus Division No. 193, Order of Railway Conductors, of Bucyrus; of Wood Workers' Local Union No. 89, of Cincinnati; of Dennison Division No. 278, Order of Railway Conductors, of Dennison; of Bricklayers' Local Union No. 10, of East Liverpool; of Masons' Local Union No. 29, of Lorain; of Bricklayers' Local Union No. 25, of Springfield; of Bricklayers' Local Union No. 3, of Toledo; of Sign Writers' Local Union No. 224, of Cincinnati; of Cigar Makers' Local Union No. 249, of Findlay; of 173 citizens of Bradford, of 7 citizens of Bloomville, of 70 citizens of Cincinnati, of 51 citizens of Senecaville, of 57 citizens of Springfield, of 74 citizens of Tippencanoe City, and of 16 citizens, all in the State of Ohio, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. HOAR presented a petition of Local Division No. 122, Order of Railway Conductors, of Boston, Mass., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a memorial of Norwood Typographical Union, No. 228, of Norwood, Mass., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented a petition of Bay State Division, No. 413, Order of Railway Conductors, of Boston, Mass., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. BAILEY presented petitions of Local Division No. 57, Order of Railroad Telegraphers, of Hearne; of Boiler Makers' Local Union No. 217, of Cleburne; of the Switchmen's Local

Union of Dallas; of the Stone Cutters' Local Union of Dallas; of Plasterers' Local Union No. 140, of Houston; of Plasterers' Local Union No. 200, of Beaumont; of Cigar Makers' Local Union No. 285, of Fort Worth; of Brewery Workers' Local Union No. 157, of Dallas; of Brewery Workmen's Local Union No. 130, of Galveston, and of Brewery Workmen's Local Union No. 111, of Houston, all in the State of Texas, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented a petition of Team Drivers' Local Union No. 202, of San Antonio, Tex., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. GALLINGER presented petitions of the Board of Trade and Transportation of New York, N. Y.; of the Board of Trade of Augusta, Ga.; of the Commercial Club of Birmingham, Ala., and of the Board of Trade of Columbus, Ga., praying for the enactment of legislation authorizing the appointment of a commission to study and make a full report upon the commercial and industrial conditions in China and Japan; which were referred to the Committee on Commerce.

Mr. MONEY presented a petition of Blacksmiths' Local Union No. 210, American Federation of Labor, of Meridian, Miss., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of Blacksmiths' Local Union No. 210, American Federation of Labor, of Meridian, Miss., praying for the enactment of legislation providing for an educational test for immigrants to this country; which was ordered to lie on the table.

Mr. MASON presented memorials of sundry citizens of Chicago, Ill., remonstrating against the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of sundry citizens of Van Buren, Wash., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of Waitresses' Local Union No. 240, American Federation of Labor, of Seattle, Wash., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of International Stone Masons' Local Union No. 4, of Spokane, Wash., praying for the enactment of legislation to restrict the immigration of cheap labor from the south and east of Europe; which was ordered to lie on the table.

He also presented a petition of Local Barbers' Union No. 158, of Tacoma, Wash., and a petition of Waitresses' Local Union No. 240, of Seattle, Wash., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

Mr. FRYE presented the petition of E. C. Patten and 47 other citizens of Topsham, Me., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of Local Union No. 135, Order of Railway Conductors, of Nashville, Tenn., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

#### SAVANNAH RIVER BRIDGE.

Mr. BERRY. I move that the bill (H. R. 11409) to authorize the construction of a traffic bridge across the Savannah River from the mainland within the corporate limits of the city of Savannah to Hutchinsons Island, in the county of Chatham, State of Georgia, be recommitted to the Committee on Commerce. The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Commerce; which was agreed to:

A bill (H. R. 8148) for a marine hospital at Buffalo, N. Y.; and

A bill (H. R. 8136) for a public building for a marine hospital at Pittsburgh, Pa.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1694) to provide for compensation for certain employees of the Treasury, War, and Navy departments, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Mines and Mining, to whom was referred the bill (S. 156) to provide for the repayment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims, reported it without amendment, and submitted a report thereon.



Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 1594) for the relief of the legal representatives of A. G. Boone, reported it without amendment, and submitted a report thereon.

Mr. MORGAN. I am directed, by the Committee on Inter-oceanic Canals, to submit a report to accompany the bill (H. R. 8110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, and in connection with it I submit the views of the minority.

The PRESIDENT pro tempore. The report and the views of the minority will be printed.

#### HEIRS OF PIERCE BUTLER.

Mr. McLAURIN of South Carolina, from the Committee on Claims, to whom was referred the bill (S. 79) for the relief of the heirs of the late Pierce Butler, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bill (S. 79) entitled "A bill for the relief of the heirs of the late Pierce Butler," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### JONATHAN PIGMAN.

Mr. McLAURIN of South Carolina, from the Committee on Claims, to whom was referred the bill (S. 4215) for the relief of Jonathan Pigman, executor of Benjamin Pigman, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bill (S. 4215) entitled "A bill for the relief of Jonathan Pigman, executor of Benjamin Pigman," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### LEVEE STEAM COTTON PRESS, OF NEW ORLEANS, LA.

Mr. McLAURIN of South Carolina, from the Committee on Claims, to whom was referred the bill (S. 80) for the relief of the Levee Steam Cotton Press Company, of New Orleans, in the State of Louisiana, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bill (S. 80) entitled "A bill for the relief of the Levee Steam Cotton Press Company, of New Orleans, in the State of Louisiana," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### NEW ORLEANS MECHANICS' SOCIETY.

Mr. McLAURIN of South Carolina, from the Committee on Claims, to whom was referred the bill (S. 77) for the relief of the New Orleans Mechanics' Society, of New Orleans, in the State of Louisiana, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bill (S. 77) entitled "For the relief of the New Orleans Mechanics' Society, of New Orleans, in the State of Louisiana," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### HEIRS OF GEORGE S. KAUSLER.

Mr. McLAURIN of South Carolina, from the Committee on Claims, to whom was referred the bill (S. 78) for the relief of the heirs of the late George S. Kausler, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bill (S. 78) entitled "A bill for the relief of the heirs of the late George S. Kausler," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### ESTATE OF C. C. SPILLER.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 1047) for the relief of the executor and administrator of the estate of C. C. Spiller, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bill (S. 1047) entitled "A bill for the relief of the executor and administrator of the estate of C. C. Spiller, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### F. E. COYNE.

Mr. MASON. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 9991) for the relief of F. E. Coyne, to report it favorably.

I am also directed by the same committee, to whom was referred the bill (S. 3011) for the relief of F. E. Coyne, to report it adversely and ask for its indefinite postponement.

The PRESIDENT pro tempore. The Senate bill will be indefinitely postponed and the House bill placed on the Calendar.

Mr. MASON. I ask for the immediate consideration of the House bill.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the Postmaster-General be, and he is hereby, authorized and directed to allow on the accounts of F. E. Coyne, postmaster at Chicago, Ill., a credit of \$74,610 for postage stamps stolen from said post-office by burglars, October 19-20, 1901.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HOAR. Has it been recommended by the Department?

Mr. MASON. Yes; it is recommended by the Department, and it has passed the House.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. PROCTOR introduced a bill (S. 4574) to continue in force the Chinese-exclusion law until the expiration of the treaty of December 8, 1894, between the United States and China; which was read twice by its title, and referred to the Committee on Immigration.

Mr. STEWART introduced a bill (S. 4575) granting a pension to Mary E. Rice; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 4576) granting pensions to certain officers and enlisted men of the Life-Saving Service, and to their widows and minor children; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 4577) for the relief of William McCarty Little; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. NELSON introduced a bill (S. 4578) granting a pension to Timothy Hayne; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 4579) granting pensions to certain officers and enlisted men of the Life-Saving Service, and to their widows and minor children; which was read twice by its title.

Mr. McMILLAN. I ask that the bill be referred to the Committee on Commerce.

The PRESIDENT pro tempore. A similar bill has just been referred to the Committee on Pensions.

Mr. McMILLAN. I think the bill ought to go to the Committee on Commerce. I should like to have it so referred.

The PRESIDENT pro tempore. It will be referred to the Committee on Commerce.

Mr. CULBERSON introduced a bill (S. 4580) for the relief of Frank H. Church, administrator of the estate of Cornelius Clay Cox; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 4581) granting a pension to Jesse A. Creekmore; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of the claimant, Jesse A. Creekmore, late of Company I, Thirty-third Regiment, Enrolled Missouri Militia Volunteers, accompanied by affidavits of John J. Wampler and Ambrose Giesbest, Fred Weiser and John Roney, and Samuel P. Cox, also certificate of the adjutant-general of the State of Missouri. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MASON introduced a bill (S. 4582) granting an increase of pension to Evans Blake; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BACON (by request) introduced a bill (S. 4583) to reorganize and increase the efficiency of the Marine-Hospital Service, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BACON subsequently said: I am informed that the Committee on Public Health and National Quarantine now has under consideration several bills of the same character as the one just introduced by myself, and I would be glad to have the bill referred to that committee.



The PRESIDENT pro tempore. If there be no objection, the reference of the bill to the Committee on Commerce will be reconsidered, and it will be referred to the Committee on Public Health and National Quarantine.

Mr. BACON. I only make the request in view of the fact that there are other bills now pending before that committee.

The PRESIDENT pro tempore. The change of reference will be made.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4584) granting a pension to John M. Stuter (with an accompanying paper);

A bill (S. 4585) granting an increase of pension to George W. Morrison (with an accompanying paper);

A bill (S. 4586) granting a pension to Josephine Dumont (with accompanying papers);

A bill (S. 4587) granting an increase of pension to H. N. Whitbeck (with accompanying papers);

A bill (S. 4588) granting an increase of pension to W. S. Morgan (with accompanying papers);

A bill (S. 4589) granting a pension to Oliver Wink (with an accompanying paper);

A bill (S. 4590) granting a pension to Charles Andrews (with accompanying papers);

A bill (S. 4591) granting a pension to William H. Williams (with accompanying papers);

A bill (S. 4592) granting a pension to John W. Hess (with an accompanying paper);

A bill (S. 4593) granting an increase of pension to John Hiatt (with accompanying papers);

A bill (S. 4594) granting a pension to James H. Mahaffey (with accompanying papers); and

A bill (S. 4595) granting an increase of pension to Jeremiah Gatton (with accompanying papers).

Mr. DUBOIS introduced a bill (S. 4596) giving jurisdiction to certain State and Territorial courts over the possessory rights in the public lands of the United States of the parties to divorce proceedings; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4597) granting an increase of pension to Josiah D. Austin;

A bill (S. 4598) granting an increase of pension to George W. Perry;

A bill (S. 4599) granting an increase of pension to Andrew J. Freeman;

A bill (4600) granting an increase of pension to Daniel W. Working;

A bill (S. 4601) granting a pension to Erwin R. Cole;

A bill (S. 4602) granting an increase of pension to James H. Prise;

A bill (S. 4603) granting an increase of pension to Charles McCarty (with accompanying papers);

A bill (S. 4604) granting an increase of pension to Frederick K. Noyes;

A bill (S. 4605) granting a pension to Ashbell G. F. Janes;

A bill (S. 4606) granting an increase of pension to J. P. Campbell (with an accompanying paper);

A bill (S. 4607) granting an increase of pension to Oliver G. Wright (with accompanying papers); and

A bill (S. 4608) granting a pension to Joseph Close (with accompanying papers).

Mr. DILLINGHAM introduced a bill (S. 4609) granting a pension to Mary C. Buck; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. VEST. I introduce a joint resolution which I ask may be read and, with the accompanying papers, referred to the Committee on Naval Affairs.

The joint resolution (S. R. 69) tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China, was read the first time by its title and the second time at length, and, with the accompanying papers, referred to the Committee on Naval Affairs, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they are hereby, tendered to Rear-Admiral Louis Kempff, commanding the Asiatic squadron, for the wisdom displayed by him in refusing to join the allied forces in the bombardment of the forts at Taku, China.*

Mr. HAWLEY introduced a joint resolution (S. R. 70) for the purchase of a bronze bust of the late President William McKinley; which was read twice by its title, and referred to the Committee on the Library.

#### AMENDMENTS TO BILLS.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the bill (S. 493) to amend the code of law for the District of Columbia, approved March 3, 1901; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 11728) to classify the rural free-delivery service and fix the compensation to employees thereof; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### PRINTING OF SHIPPING BILL.

On motion of Mr. FRYE, it was

*Ordered*, That there be printed of Senate bill 1348, known as the shipping bill, as passed the Senate, 2,000 copies for the use of the Senate.

#### BREAKWATER AT MARQUETTE, MICH.

Mr. McMILLAN submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of War be, and he is hereby, directed to cause an examination to be made of the breakwater at Marquette, Mich., with a view to connect the said breakwater with the shore; and to report to Congress the result of such examination.

#### FREDERICK SHAFER.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9227) granting an increase of pension to Frederick Shafer, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,  
J. R. BURTON,  
T. M. PATTERSON,  
*Managers on the part of the Senate.*  
W. A. CALDERHEAD,  
J. N. W. RUMPLE,  
J. A. NORTON,  
*Managers on the part of the House.*

The report was agreed to.

#### COURTS IN UTAH.

Mr. RAWLINS. I ask for the present consideration of the bill (S. 149) to provide for holding terms of court in the district of Utah.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the State of Utah shall constitute one judicial district, known as the district of Utah, and that terms of the district court shall be held in Salt Lake City on the second Monday in September, January, and April of each year; but terms of the court may be held at Ogden City or other places in the district when deemed necessary by the judge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AGREEMENT WITH INDIANS OF DEVILS LAKE RESERVATION.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (S. 2418) to ratify an agreement with the Indians of the Devils Lake Reservation, in North Dakota, and making appropriation to carry the same into effect. The bill was read in full several days ago, and it went over on the request of the Senator from Missouri [Mr. COCKRELL], who desired to have the Senator from Connecticut [Mr. PLATT] present when the bill was considered.

The PRESIDENT pro tempore. The bill has been read in full. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT of Connecticut. In section 4, on page 6, line 10, I move to strike out the word "two" before "dollars" and insert the word "three."

There are several amendments which I propose, but I think they may be all treated as one amendment.

I also move to strike out from line 11, commencing with "but settlers," etc., down to and including the word "that," in line 19, and to insert before the word "homestead," in line 19, the word "and."

I move to strike out, in line 19, the word "who" and to insert the word "may;" and in line 21, to strike out the words "shall pay" and insert the words "by paying;" so that the clause from line 10 to line 23 will read:

*Provided further*, That the price of said lands shall be \$3.50 per acre, and homestead settlers may commute their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein.

Mr. COCKRELL. I hope the amendment will be agreed to.

Mr. HANSBROUGH. I have no particular objection to the amendment. It undoubtedly establishes a new policy with respect to the disposition of Indian reservations, but in view of the



fact that these lands are worth from \$15 to \$20 per acre, and that there are perhaps a thousand people in the vicinity of the lands at the present time anxiously waiting for the action of Congress, and that they are willing to pay for them, I do not believe it will be any hardship upon them to pay \$3.50 per acre. I therefore accept the amendment.

Mr. PLATT of Connecticut. That price, as I understand it, reimburses the Government for the amount which it pays to the Indians for the lands.

Mr. HANSBROUGH. That is correct.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HANSBROUGH. On page 7, I move to strike out the word "one," in line 1, and to insert the word "two," so as to reserve two and a half sections for school purposes instead of one and a half.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 4, line 1, page 7, strike out "one" where it first occurs and insert "two;" so as to read:

And also not exceeding two and one-half sections of the Fort Totten Indian school, etc.

The amendment was agreed to.

Mr. HANSBROUGH. There is another amendment which has been reported favorably by the Committee on Indian Affairs as an additional section, section 5. It will be found in the report of the committee on page 6. The Clerk has the report before him.

The PRESIDENT pro tempore. The Senator from North Dakota proposes a further amendment, which will be stated.

Mr. HANSBROUGH. This amendment is proposed by the committee.

Mr. COCKRELL. As section 5?

Mr. HANSBROUGH. Yes; as a separate section.

The Secretary read as follows:

SEC. 5. That for the purpose of resurveying and reestablishing the section and quarter-section corners of the Devils Lake Reservation, and for the survey of the old Fort Totten Military Reservation, there is hereby appropriated the sum of \$12,000, out of any money in the Treasury not otherwise appropriated.

Mr. COCKRELL. I suggest, after the words "twelve thousand dollars" to add the words "or so much thereof as may be necessary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. Are there further amendments in Committee of the Whole?

Mr. PLATT of Connecticut. We had the matter of this survey up before the Committee on Indian Affairs, and some question arose about whether \$12,000 is not a larger sum than would be needed. It has not been decided in the committee which has the Indian appropriation bill under consideration, but the amendment which has been adopted appropriates the sum of \$12,000, and I think it should say "or so much thereof as may be necessary."

Mr. HANSBROUGH. That has been adopted.

The PRESIDENT pro tempore. That amendment has been adopted.

Mr. PLATT of Connecticut. But the amendment which has been adopted does not contain the words which I think it should contain, "or so much thereof as may be necessary."

Mr. COCKRELL. That has already been agreed to.

Mr. HANSBROUGH. It has been agreed to.

Mr. STEWART. Yes; that was agreed to.

Mr. COCKRELL. I offered it as an amendment to the amendment, and it has been agreed to.

Mr. PLATT of Connecticut. Very well. I did not observe that the amendment had been amended.

The PRESIDENT pro tempore. The amendment also has been agreed to as amended.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

JACOB L. HANGER.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hanger, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate insist upon its amendment and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. PROCTOR, and Mr. COCKRELL were appointed.

#### REPORT ON INTEROCEANIC CANALS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate providing for the printing of Senate Report No. 1, from the Committee on Interoceanic Canals, which were, in line 2, to strike out "five" and insert "three;" in line 4, to strike out "two" and insert "one;" and in line 5, to strike out "three" and insert "two;" so as to make the concurrent resolution read:

*Resolved by the Senate (the House of Representatives concurring).* That there be printed 3,000 copies of Senate Report No. 1, from the Committee on Interoceanic Canals, 1,000 for the use of the Senate and 2,000 for the use of the House of Representatives.

Mr. MORGAN. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

#### PROTECTION OF THE PRESIDENT.

Mr. HOAR. Mr. President, I understand it will be quite convenient to the Senator from Wisconsin [Mr. SPOONER], who has the floor, to now take up the bill in regard to the protection of the President, and therefore I move that the Senate proceed to its consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

Mr. SPOONER. Mr. President, I realize that the very admirable and eloquent speech of the distinguished Senator from Massachusetts [Mr. HOAR] yesterday afternoon renders any further observations in advocacy of this bill quite superfluous, but I wish—and that is my sole purpose—very briefly, and I regret to say without much lawyer-like method, to refer to the constitutional argument which was presented the other day by the Senator from Georgia [Mr. BACON], who is a lawyer of learning and great acumen, and, I may be permitted to say in passing what is altogether unnecessary, that I have no doubt whatever, nor has, I suppose, any man, of the seriousness and sincerity with which the Senator presented and with which he has advocated his views.

I considered it unnecessary, although perhaps somewhat provoked, for the Senator from Georgia to avow his patriotism on yesterday. No one here, or anywhere else, who knows that Senator, doubts or can doubt his patriotism, his love for the institutions of this country, and his unspeakable abhorrence of anarchy and of the offense which this bill is intended to prevent.

The Senator's position was this, that the law of England at the time our Constitution was framed on the subject of treason was the statute of Edward III, which contained, I think, seven definitions.

Mr. BACON. Originally five; afterwards it was amended.

Mr. SPOONER. I think seven, and originally five, definitions of treason. As the debates in the constitutional convention show, the framers of that instrument, at least those who led largely in framing it, had before them this statute, with which, of course, they were familiar, and in the discussion, which was very limited so far as I have been able to ascertain, there were those who favored the adoption practically of the entire statute, and there were others who expressed a different opinion; but in the end they adopted from the statute of Edward III the clause in our Constitution defining treason with which everyone is familiar:

Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attained.

That is the constitutional definition of treason. That Congress can not add to it every lawyer will admit.

The Senator's inference from the fact that, as out of the statute of Edward III, the framers of our Constitution saw fit to adopt only what I have read, it follows that they intended to preclude the government which they were creating from punishing by death or otherwise offenses committed against it which, under the act of Edward III, constituted treason. The Senator shakes his head. He injected a qualification, "If those acts or offenses were naturally in themselves treason." That distinction is not found in the Constitution, of course, nor can the Senator sustain it as a matter of argument. Carried to its legitimate extent, his argument is, Mr. President, from my standpoint, that the Government of the United States is incapacitated by the history of this constitutional definition of treason from punishing offenses which, under the statute of Edward III, were denounced as treason, save that incorporated in the Constitution.

It is perfectly manifest that it was impossible for the framers of the Constitution to have adopted as treason the definitions contained in the act of Edward III. One of them related to the wife



of the King, to the wife of the eldest son of the King, and to the eldest daughter of the King—important there, because the offenses denounced involved or might involve the succession. It needs no argument to show that such a definition could have no possible applicability to a Government so different in every way, which the framers of our Constitution were engaged in erecting, for we have here, of course, no hereditary officials.

Mr. BACON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Certainly.

Mr. BACON. I do not desire to interrupt the Senator, except so far as it may be necessary to have my position correctly stated.

Mr. SPOONER. That is not a statement of the Senator's position; it is a statement of mine.

Mr. BACON. I know; but it is in response to the position taken by me, and the Senator will do me the justice to say, if he will examine the RECORD where my remarks are in print, that I expressly qualified the statement by saying that I was speaking of the statute of Edward III so far as it was applicable to our changed character of government, of course eliminating from it the feature to which the Senator now refers.

Mr. SPOONER. Oh, yes; but then the Senator gets down to this, that by the doctrine of exclusion, reference being had to the statute of Edward III, the offenses against the Government which Congress is disabled from punishing are only those which in their nature are treasonable. Of course, the framers of the Constitution would not have adopted the first definition, "when a man doth compass or imagine the death of our lord the King, of our lady his Queen, or of their eldest son and heir;" and there are others.

But, Mr. President, the framers of the Constitution took great care to define with the utmost distinctness the offense which they intended should constitute the crime of treason, because of their familiarity with that bloody and dreadful chapter in the history of England growing out of the doctrine of constructive treason. The judges became habituated, instruments of tyranny as they often were, to inventing new definitions of treason. The Parliament became accustomed, long after the enactment of the statute of Edward III, to enacting new treasons. For a moment let me call attention to a few.

In the reign of Richard II they invented and devised acts of treason, in regard to which I find an act was passed by Parliament with this recital:

That no man knew how he ought to behave himself, to do, speak, or say for doubt of such pains of treason, and therefore it was accorded that in no time to come any treason be judged otherwise than was ordained by the statute of King Edward III.

Blackstone says:

This at once swept away the whole load of extravagant treasons introduced in the time of Richard II.

But as no Parliament can bind a succeeding Parliament, Mr. President, it happened, as he says:

But afterward, between the reign of Henry IV and Queen Mary, and particularly in the bloody reign of Henry VIII, the spirit of inventing new and strange treasons was revived, among which we may reckon the offenses of clipping money, breaking prison, or rescue when the prisoner is committed for treason—

That is treated as treason—

burning houses to extort money, stealing cattle by Welshmen—

That was made treason—

counterfeiting foreign coin; willful poisoning; execrations against the King; calling him opprobrious names by public writing; counterfeiting the sign manual or signet; refusing to abjure the Pope; deflowering or marrying, without the royal license, any of the King's children, sisters, aunts, nephews, or nieces; bare solicitation of the chastity of the Queen, or princesses, or advances made by themselves, etc.

To get away from that infamy, to render it forever certain that the crime of treason should be definite and fixed, both as to the essence and as to the evidence required to convict, beyond reach of Congress, to forever protect the people of this Government, which they were establishing, from constructive treason, they placed in the Constitution this definition.

Mr. President, the argument of the Senator from Georgia carries him too far, I think. It does not at all follow, as a matter of law or logic, because the framers of the Constitution were unwilling to insert in that instrument as definitions of treason, under the limitations of the instrument as to the character of proof necessary, the definition contained in the act of Edward III, that they intended to leave this Government forever disabled to protect itself against some of the crimes which, under the act of Edward III, constituted treason.

There is no such thing as treason against the President of the United States. The Government of England and the relations of its subjects to that Government and this Government and the relations of our people to this Government are as wide apart as the ocean which divides the two countries. That was a personal government; the King was the embodiment of the sovereignty of the

country; war levied against the King was levied against the sovereignty and war levied against the sovereignty was levied against the King.

We have no personal government here. This is a Government not of men but of law. Government is hereditary there; it can not be here. The President is not the sovereign of the United States; he is not even, in an accurate sense, the ruler of the United States. Abraham Lincoln spoke with the utmost accuracy, and in harmony with the decisions of the Supreme Court of the United States, when, at Gettysburg, he said: "This is a Government of the people, for the people, and by the people." The sovereignty here is in the people. This is a Government of the people; and the framers of the Constitution in defining treason used this language:

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort, etc.

Does it follow, Mr. President, because an attempt to assassinate the King or the assassination of the King was treason in England under the statute of Edward III, that an attempt to assassinate the President or an assassination of the President is treason in this country?

The President is a private citizen for the time being in a public station. He represents for the time being a part of the sovereignty which constitutes this Government and which is behind it and all around it—the people. But an assault upon him, of course, or an assassination of him, of course, does not constitute treason within the definition which our fathers placed in this Constitution, but it is an awful crime, just the same, *against the Government*.

Mr. President, are we disabled upon any line of reasoning from declaring it to be a crime and from punishing it as a crime? If the Senator from Georgia is right, as I understand him, the framers of the Constitution succeeded in creating a Government of great elemental weakness; but they did not. Carried to its legitimate extent, I do not know where the Senator from Georgia would find upon his reasoning the power under the Constitution to punish offenses which Congress has provided shall be crimes against the Government, and which for a hundred years we have punished in the Federal jurisdiction.

When the Senator was making his argument—and it was one of great ingenuity and ability, as it was one of great sincerity—the Senator from Texas [Mr. CULBERSON] called his attention to the fact that, under the act of Edward III, counterfeiting the coin of the realm was treason, and asked the Senator—or that was the purpose of his question—whether he inferred because counterfeiting the coin of the realm was treason under the act of Edward III and was not within the definition of treason under the Constitution that the Government of the United States is disabled to punish it.

The Senator from Georgia promptly—and I thought at the time sufficiently—answered that question by turning to that provision of the Constitution which gives to Congress the power "to provide for the punishment of counterfeiting the securities and current coin of the United States." That was not a complete answer to the question propounded by the Senator from Texas.

Here, Mr. President, is an odd thing. The only unfinished and imperfect provision, so far as I remember, in the Constitution is:

The Congress shall have power to provide for the punishment of counterfeiting the securities and current coin of the United States.

There is nothing said there about "uttering." The Supreme Court of the United States has decided that the power to punish for uttering counterfeit coin by the Congress is not to be found in that provision. Under the statute of Edward III it was made treason to utter counterfeit coin. The argument of the Senator from Georgia carried to its logical result means that because of that being treason under the act of Edward III and not under the Constitution of the United States, the Congress may not punish it. The Senator said that was not treason in its nature. It comes very near the line. True, it is not levying war, but it is a subtle and insidious attack upon a sovereign power, a power which can only be exercised by the sovereign, and a necessary power to be lodged in and exercised by the sovereign.

That is not all, Mr. President. Under the statute of Edward III it was made treason to bring counterfeit coin into the realm and to utter it. That was omitted from the definition of treason in the Constitution of the United States; nor is it covered by the clause authorizing Congress "to provide for the punishment of counterfeiting the securities and current coin of the United States." Can it be argued from that that Congress has no power to declare the bringing of foreign counterfeit coin into the United States and uttering them here is an offense against the Government cognizable by the Federal jurisdiction? The Senator's argument goes that far; but a statute of the United States was passed March 3, 1825, providing punishment for bringing counterfeit coin into the United States from abroad and uttering it here, which resulted in the conviction of one Marigold, and which



came to the Supreme Court of the United States, and the very point was made which the Senator makes. (*United States v. Marigold*, 9 How., 560.)

Whether Congress, under and by the Constitution, had power and authority to enact so much of the said twentieth section of the said act as relates to bringing into the United States counterfeit coins.

The proposition could only be sustained by the argument which has been made by the Senator from Georgia, yet the Supreme Court of the United States found no difficulty in deciding that it was entirely within the constitutional capacity of Congress under the power to coin money and to furnish the country with a currency.

That is not all, Mr. President. By the statute of Edward III, "compassing or imagining the King's death" was treason. Dionysius executed a man for dreaming that the King was dead.

Blackstone says under that clause, excluded, of course, from our Constitution, that—

A bare conspiracy to levy war does not amount to this species of treason—

That is, high treason—

but (if particularly pointed at the person of the King or his Government) it falls within the first, of compassing or imagining the King's death.

Because that was omitted from the Constitution will the Senator argue that we have no power under the Constitution to denounce as a crime against the Government and punish with such severity, within lawful limitations, as to the Congress shall seem fit, a conspiracy to levy war against the Government and to resist with armed force the execution of its laws? The Senator's argument would of necessity carry him that far, because in its nature that is treason, and such a conspiracy was treason under the act of Edward III, and is not treason under the Constitution of the United States.

I say in its nature it is treason for men to secretly plot and scheme to bring about an insurrection or a rebellion against the Government with a view to armed resistance to its laws or to armed attack upon its property. Although they do not themselves go beyond the danger line, it is treason. It is the meanest form of treason. It is potential, Mr. President, but it is cowardly. It is infinitely meaner, as it is infinitely more dangerous, than the open treason which consists in bearing arms and daring the chances of battle. May not the Congress of the United States, although it was in the act of Edward III and the framers of the Constitution excluded it, punish as a crime against the United States such an offense treasonable in its nature, and punish it even by death?

The punishment here has nothing to do with the nature of the offense. Even treason under our statutes is punishable by fine; alternatively by death. The Congress may annex to it attainder. It need not. And if the Senator's argument, carried to its inevitable result, were crystallized into the law of this land, this would be an impotent Government to protect itself against obvious crimes endangering our institutions and obstructing the operation of government. That can not, I submit, be true.

It is true, as the Senator said the other day, that the Constitution confers upon Congress no general power as to the definition and punishment of crime. I think in three instances only is the Constitution specific on that subject. One is as to piracy, another as to treason, and the third as to counterfeiting. And yet from the foundation of the Government the Congress has been enacting statutes, creating and defining offenses against the Government of the United States, and providing for their punishment, and they have been sustained by the Supreme Court of the country, just as in the *Marigold* case.

The courts justify it under that clause of the Constitution which gives to Congress the power to enact all laws for carrying into effect the powers granted by the Constitution to Congress. I think I speak accurately when I say there is no power conferred by the Constitution upon Congress as to which, in order to safeguard it and carry it forward to its fullest fruition, Congress has not the power to define offenses and provide for their punishment.

The Senator from Massachusetts [Mr. HOAR] read the other day from the decision in the case of *Bollman and Swartwout*, 4 Cranch 75, language which covers it, and, with all deference to my friend from Georgia, to me that must be the law. I will show, I think, and I will be brief about it, that it inevitably follows from the decision and later decisions that it is the law. The court said:

Crimes so atrocious as those which have for their object the subversion by violence of those laws and those institutions which have been ordained in order to secure the peace and happiness of society are not to escape punishment because they have not ripened into treason. \* \* \*

It is, therefore, more safe as well as more consonant to the principles of our Constitution that the crime of treason should not be extended by construction—

I agree to that—

to doubtful cases, and that crimes not clearly within the constitutional definition—

"Not clearly within the constitutional definition;" crimes in their nature, perhaps, treasonable, as the Senator from Georgia put it—

should receive such punishment as the legislature in its wisdom may provide.

That meant Congress. I notice that Professor Pomeroy in his book says:

While treason is expressly defined and direct powers conferred upon the legislature to declare its punishment, it must be understood that the mention of the highest crime includes also those of inferior grades but of a nature kindred to treason.

On the Senator's argument Congress would be excluded by the Constitution from punishing or defining as crimes against the Government and punishing with a severity which met its approval kindred but lesser offenses than treason, such as the conspiracy to which I referred a little while ago. Yet we have had on our statute books for many years, now nearly forty, a statute to punish just such conspiracies, and to say that a Government which has the power to punish the consummated offense of treason has not the power to punish conspiracies whose object is to subvert the Government, and which if carried out necessarily lead to war, is to argue that this is the weakest Government under the sky. It is not.

The Senator the other day quoted from an article by Judge Edgar Aldrich, United States district judge for the district of New Hampshire. I have the pleasure of Judge Aldrich's acquaintance and the honor of his friendship. I know him well. He is a lawyer of great ability, of great erudition, and of eminently judicial temperament, and I beg leave to say that, in my judgment, this article, from which the Senator read and which was presented here by my friend the Senator from New Hampshire [Mr. GALLINGER], is, with deference to others who have written upon the subject, the most discriminating, dispassionate, and the ablest from a legal standpoint which I have read upon the subject. Judge Aldrich says this, and he says it better than I could say it, and I will take the liberty of reading it:

Under our system the Government means nothing above or beyond the intelligent expression of the will of the people; and when the people ordain that a form of government shall exist for the protection of communities in accordance with the requirements of civilization they assume the responsibility of upholding the institution which they have created.

There is such a thing as inherent power in a government. It is not needful to resort to it in this matter. That inherent power may have its limitations, and it does, but it certainly extends to self-protection, not simply against armed forces but against subtle and insidious enemies.

The Government can not administer itself except through its chosen agents, representatives, or servants. These it must have in order to become operative for the purposes for which it is created. It lies with the people to create a government; they may therefore maintain it. The people can not maintain a government without agents; they may therefore protect such agency through such legislation as the necessities arising out of a threatening evil or pending danger demand.

Who can gainsay that?

To justify such legislation it is not necessary to invoke the "general-welfare" clause of the Constitution, which declares that Congress shall have power to "provide for the common defense and general welfare of the United States," because all governments necessarily possess the inherent power of self-defense, and such general inherent power of self-defense will justify all necessary and well-ordered legislation for the protection of all necessary agents and representatives. While, as a general rule, civilization and communities receive protection from the State governments, the Federal Government does exist as an entity and for certain limited purposes expressed and contemplated by the Constitution, and, so existing, it may pass all laws necessary for its safety.

It may declare violence upon its agents, servants, and representatives to be a crime against its own existence. It may declare threatened violence to be a crime, because that involves conduct calculated to disturb the good order and well-being of its administration. In short it may, without regard to the enumerated and defined offenses of the old common law, throttle and control any evil directed against its existence and well-being. This is a necessary and inherent power. The doctrine of the right of self-preservation is as ancient as law itself, and is based upon a natural right. The right of the Government to defend, protect, and preserve itself against whatever evil may threaten is a natural, inherent, fundamental, self-evident, incontrovertible, and paramount right.

And he calls attention to many enactments, penal in their nature, which are found in our statute book—crimes obstructing operation of government. There are a large number of them. The distinguished Senator from Massachusetts [Mr. HOAR] read yesterday from 7 Wallace which dealt with one—a mail agent of the United States. The statute provides that it is an offense against the Government of the United States to assault or obstruct in the discharge of his duty a mail carrier or a mail-route agent or one engaged in a duty immediately in connection with the administration of the Post-Office Department.

There is a statute which throws the protection of the United States in the same way around a surveyor upon the public lands. In other words, under the decision, and it must be true, there is no man holding an office under the United States, representing the executive part of the Government, engaged in the discharge of his functions, around whom Congress has not the power to throw the protecting shield of this Government, in the States and



outside the States, wherever the jurisdiction of the United States extends.

We have laws protecting the United States marshals in the discharge of their duties—men appointed by the President and removable by the President. We have laws protecting internal-revenue agents, inspectors, in the discharge of their duties, and in the discharge of their duties they often lose their lives and are often assaulted and often wounded. The Government under the legislation of Congress, necessary to its administration, has provided for the punishment of such assaults, and those offenses are cognizable in the Federal courts; and if an officer is killed raiding an illicit still in the discharge of his duty, the man who kills him, even though it be in a State, commits a crime against the Government of the United States which is punishable under the laws of the United States and triable in the courts of the United States.

It would be, Mr. President, a strange confession of weakness if the Government of the United States is obliged to rely for the protection of its officials, great and humble, upon the legislation and the judiciary of the States. I do not impeach the patriotism of the States when I say that. I only assert what the Supreme Court of the United States has asserted, that the Government of the United States, within the limits of its jurisdiction and sovereignty, is sovereign in the States and through the United States.

I recognize the sovereignty of the States. I care more for it now than I once did, and I resist and shall continue to resist any invasion by the Congress of the sovereignty of the States. But the Government of the United States must be able by its legislation and by its *posse comitatus* and by its power and by its courts to protect its own officials assaulted or murdered in the discharge of governmental duty.

Mr. PATTERSON. I have listened with interest to the very able argument of the Senator from Wisconsin, and I have paid particular attention to the Federal statutes to which he has referred providing for the punishment of those who may interfere with certain officers in the discharge of their duties. I am inclined to think that it is right along there that the Senator from Wisconsin and the Senator from Georgia differ.

Mr. SPOONER. We differ back of that, and there, too, perhaps. I do not know that we differ so much there.

Mr. PATTERSON. The question I wish to ask the Senator and to which I wish he would direct his attention is this: Without going into any further details—

Mr. BACON. Will the Senator pardon me, as he has stated my position? I have not interrupted the Senator from Wisconsin, because it was not necessary to do it—

Mr. PATTERSON. I want to know—

Mr. BACON. Pardon me a second.

Mr. PATTERSON. I wish to know whether there is any time when the President of the United States is not in the discharge of his duty?

Mr. SPOONER. I will get to that.

Mr. PATTERSON. That is the point.

Mr. SPOONER. As Mr. Justice Miller said, in the case of *Cunningham v. Neagle* (135 U. S.), which involved the killing of Judge Terry by Neagle, a deputy marshal, in protecting the life of Justice Field, the judiciary of the country, so far as the protection of its members is concerned, is the weakest of the coordinate departments of the Government. They call attention—

Mr. BACON. I am sorry to interrupt the Senator; but as both he and the Senator from Colorado have stated a proposition which relates to me, I hope he will let me interrupt him.

Mr. SPOONER. I said I am not certain that the Senator and I differ upon the matter I am discussing.

Mr. BACON. With very much of the Senator's argument on that branch I agree. In its application we probably differ in some degree.

Mr. SPOONER. The application of it is the point.

Mr. BACON. I do not interrupt the Senator now to state whether there may be some slight difference. I say upon the general proposition which he has been arguing there is no difference.

Mr. SPOONER. The court said it was the weakest. They are obliged to rely for protection—for they can appoint no one but a clerk—upon the marshal, who is appointed by the President, confirmed by the Senate, removable by another Department, the Executive; and the marshals in turn appoint, under the authority of the Attorney-General, their deputy marshals. In the Neagle case it became necessary to resort to a statute of California giving authority to the sheriff to prevent affrays and assaults, connected with a statute enacted by Congress giving the marshals within the States the same power, partly for those purposes, as the sheriffs, that they found justification for Neagle in protecting Justice Field by taking the life of Terry.

In that case Mr. Justice Field was not sitting upon the bench. A supreme justice of the United States, he had gone, as required by a statute of the United States, to his circuit, for the law re-

quired each justice once in two years at least to hold court in each district in his circuit. He had held court for a time in San Francisco. He had then gone to Los Angeles to hold court for a few days, and when the assault occurred he was traveling from Los Angeles back to San Francisco.

The Supreme Court held that he was—and this bears in a way upon the question which was put to me by the Senator from Colorado—engaged in the discharge of official duty laid upon him by the Constitution and laws of the United States when traveling from Los Angeles, where he had held court, to San Francisco, where he was to resume his position and function upon the bench, and that it was therefore entirely within the right of the Attorney-General, acting presumably under the instructions of the President, to detail the deputy marshal to accompany him, to sit by the bench in open court, to go with him to the hotel from the court, and to travel with him on the cars, armed every moment and watchful every moment, to protect him in the discharge of official duty, even to the point of taking life.

After Neagle had killed Judge Terry he was arrested upon a warrant issued by the State court and taken into custody. An application was made to the Federal circuit judge for a writ of habeas corpus to take him out of the custody of the State tribunal upon the theory that he had acted pursuant to a law of the United States, and that therefore his case was one exclusively of Federal cognizance. The writ was granted. He was discharged by the Federal court, and it was brought to the Supreme Court of the United States, where the question as to the relative jurisdiction of the State of California and of the United States was elaborately and very ably argued.

It was contended that the offense was one against the peace and dignity of the State of California. It was contended that there was no peace of the United States within a State, a doctrine long ago exploded, and this is what Mr. Justice Miller, one of the ablest judges and lawyers who ever sat upon that bench or any other, had to say upon the subject. He quotes from the Siebold case (100 U. S., 371), and quotes it with approval:

Somewhat akin to the argument which has been considered is the objection that the deputy marshals authorized by the act of Congress to be created and to attend the elections—

That was made a Federal duty. The principle is the same—

are authorized to keep the peace, and that is a duty which belongs to the State authorities alone. It is argued that the preservation of peace and good order in society is not within the powers confined to the Government of the United States, but belongs exclusively to the States. Here, again, we are met with the theory that the Government of the United States does not rest upon the soil and territory of the country. We think that this theory is founded on an entire misconception of the nature and powers of that Government. We hold it to be an incontrovertible principle that the Government of the United States may, by means of physical force, exercised through its official agents, execute on every foot of American soil the powers and functions that belong to it.

It can be done in Wisconsin. It can be done in South Carolina. It can be done in Tennessee or Georgia. In other words, if the function is a Federal one and the instrumentality is a Federal one, there is no State line so far as power is concerned.

This necessarily involves the power to command obedience to its laws, and hence the power to keep the peace to that extent. This power to enforce its laws and to execute its functions in all places does not derogate from the power of the State to execute its laws at the same time and in the same places. The one does not exclude the other, except where both can not be executed at the same time. In that case—

And here is the line which we never ought to permit to be obliterated or minimized—

In that case the words of the Constitution itself show which is to yield. "This Constitution, and all laws which shall be made in pursuance thereof, \* \* \* shall be the supreme law of the land" \* \* \* Without the concurrent sovereignty referred to—

"Without the concurrent sovereignty referred to"—

the National Government would be nothing but an advisory government. Its executive power would be absolutely nullified. Why do we have marshals at all if they can not physically lay their hands on persons and things in the performance of their proper duties? What functions can they perform if they can not use force? In executing the process of the court, must they call on the nearest constable for protection?

When the presence of Terry on the train became known to Neagle he caused the conductor to telegraph to Lothrop, the breakfast station, advising the State officials of the danger and asking that peace officers be at the depot to aid him in protecting Justice Field. When the train reached its destination, the spot where the trouble came and where the assault upon the Federal official came, to protect him against which it was necessary to take a life, Neagle found no response from the State authority and no State official there to uphold or to aid him.

Can the Government of the United States exist without certainty that under the Constitution and under appropriate legislation everywhere it can protect the Federal agents in the discharge of Federal duties imposed upon them by Federal laws? Mr. Justice Miller continues:

Must they rely on him to use the requisite compulsion, and to keep the peace, whilst they are soliciting and entreating the parties and bystanders to allow the law to take its course? This is the necessary consequence of the



positions that are assumed. If we indulge in such impracticable views as these, and keep on refining and re-refining, we shall drive the National Government out of the United States, and relegate it to the District of Columbia, or perhaps to some foreign soil. We shall bring it back to a condition of greater helplessness than that of the old confederation.

And they add:

It must execute its powers, or it is no government. It must execute them on the land as well as on the sea, on things as well as on persons. And to do this it must necessarily have power to command obedience, preserve order, and keep the peace, and no person or power in this land has the right to resist or question its authority so long as it keeps within the bounds of its jurisdiction.

And so they held that the President of the United States had the power as the official, possessing under our Constitution all executive authority, to direct the marshal to attend upon Justice Field and to protect him to the uttermost in the discharge of his duties.

Mr. President, what a strange thing it would be if the President of the United States has the power to protect the judges of the United States in the discharge of their duties in the States and everywhere and Congress has not power to protect the President of the United States in the discharge of his duties in the States?

The court in the Neagle case says something about the Executive. That brings me to the question put to me by the Senator from Colorado, whether there is any time or anywhere that the President of the United States is not in the eye of the law engaged in the discharge of public duties. I answer the question in the negative. The Constitution provides for the election of a President. The Constitution provides his term of office, and he is elected to serve the people in that capacity for the fixed term unless interrupted by disability or by the hand of God. No man has any right or power to interrupt that term or to interrupt in any way the discharge of those functions, and if he does it he commits not treason, but a crime against the Government of the United States, and he makes an assault upon the institutions of the United States.

The President is obliged to register an oath in heaven to take care that the laws are faithfully executed. The power of appointment is in him. The conduct of our foreign relations, of such infinite consequence, complexity, delicacy, and oftentimes danger, are primarily in his hands and in his mind. When is there a time in any waking hour when the President of the United States is not engaged in official duty?

Mr. TELLER. Mr. President—

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). Does the Senator from Wisconsin yield?

Mr. SPOONER. I do.

Mr. TELLER. I do not like to interrupt the Senator, but I wish to ask him if there is within the term of four years for which the President is elected any time when or any place where he can not exercise the full functions of a President?

Mr. SPOONER. No.

Mr. TELLER. I think that covers the whole question.

Mr. SPOONER. If he goes off for a little vacation he summons his Cabinet around him when it is necessary.

Mr. TELLER. And he may sign bills.

Mr. SPOONER. He is in close communication with the White House. There is no official act which he can not perform. Of course when Congress is in session and laws are being enacted he naturally is here to approve or disapprove proposed legislation, but at home in Ohio, if he be from that State, or in the Rocky Mountains, where President Arthur went once, or anywhere in the United States or within its jurisdiction he may day or night perform any act imposed by the Constitution or by any act upon the President. He is always at his post of duty, for wherever he is there is his post of duty.

When is there a time and where is there a place in which he is exempt from the obligation of public duty? All of us know there is none. We are in public life; we have had occasion many, many times to meet Presidents of the United States; we have met the President at the banquet table; we have met him in his chamber; we have met him on the cars. When, tell me, is there a time that the mind of a President of the United States is free from a consideration of the duties of the Presidential office? When? There is none; and that is what makes the office one of burden, infinite, indescribable burden, which was breaking down the beloved man who at Buffalo was shot by an assassin.

The court say in the Neagle case, referring to his sworn duty, "that he shall take care that the laws be faithfully executed."

"Is this duty limited to the enforcement of acts of Congress or of treaties of the United States according to their express terms, or does it include the rights, duties, and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the Government under the Constitution?" They answer the last question in the broadest affirmative.

If a judge dies, the President must appoint his successor. Pub-

lic interest requires sometimes very prompt action. So with thousands of the other executive agents of the Government. He is obliged to act more than any man I know in the world upon an infinite number of exigencies in the course of the four years or the eight years of his term of office. His Cabinet officers aid him, but in the last analysis the burden is upon him because the responsibility is upon him.

We may protect mail carriers in the discharge of their duties; we may protect surveyors upon the public lands in the discharge of their duties; we may protect United States marshals in the discharge of their duties; we may protect the internal-revenue agents in the discharge of their duties; we may protect the judges in the discharge of their duties, but have we not the power, Mr. President, to protect the Chief Executive in the discharge of his duties?

Mr. RAWLINS. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. SPOONER. I am anxious to get through.

Mr. RAWLINS. I agree with the Senator about his argument.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. SPOONER. Yes.

Mr. RAWLINS. I do not think the Senator's positions are controvertible, so far as the President and Federal officials are concerned. But I should like to hear the Senator's views in regard to the provision of the bill relating to foreign potentates and as to the ground upon which he claims, if he does so claim, that that provision may with propriety be inserted in this legislation.

Mr. SPOONER. I will get to that when I come to it, Mr. President, if the Senator will permit me.

Mr. President, I am about through. It is admitted, Mr. President, indeed it is settled by the Supreme Court of the United States, that an officer of the United States assaulted in the discharge of a duty which he is performing pursuant to the laws of the United States is protected, or may be protected, by the United States, and the assault upon him is an offense against the Government and may be punished in the courts of the United States.

The Constitution says:

Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers—

Those are the powers of Congress, perhaps. Perhaps they are more than that—

and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

That is broader than men think unless they examine it critically.

Is not the President in every official act which he performs performing it in pursuance of a law of the United States? The Supreme Court say in the Neagle case upon this point:

And we are satisfied that if it was the duty of Neagle, under the circumstances, a duty which could only arise under the laws of the United States, to defend Mr. Justice Field from a murderous attack upon him, he brings himself within the meaning of the section we have recited. This view of the subject is confirmed by the alternative provision, that he must be in custody "for an act done or omitted in pursuance of a law of the United States or of an order, process, or decree of a court or judge thereof, or is in custody in violation of the Constitution or of a law or treaty of the United States."

Now, the court say:

In the view we take of the Constitution of the United States any obligation—

That means obligation of duty—

any obligation fairly and properly inferable from that instrument, or any duty of the marshal to be derived from the general scope of his duties under the laws of the United States, is "a law" within the meaning of this phrase. It would be a great reproach to the system of government of the United States, declared to be within its sphere sovereign and supreme, if there is to be found within the domain of its powers no means of protecting the judges in the conscientious and faithful discharge of their duties from the malice and hatred of those upon whom their judgments may operate unfavorably.

So in that view the Constitution imposing these duties upon the President, which he has sworn as required by that instrument to discharge, puts upon him an obligation to perform those duties, and in performing them, each one of them, large or small, he is performing a duty pursuant to a law of the United States and in obedience to the Constitution of the United States. If we may protect the other agencies of the Government which I have mentioned by throwing the Federal power around them, we certainly may protect the President of the United States from assassination and assault, for he is executing, as the question of the Senator from Colorado implied, the obligations of the Constitution and the duties of the Presidency everywhere and all the time, in the eye of the law, during his term of office.

The court had something to say in this case also on the question of State rights, which I do not think should be much considered here, for in the view of the court it is no invasion whatever of the rights of the State. I will not take the time to read what the



court say, for I am anxious to be through. It is very brief, and I ask leave to incorporate it in my remarks.

The matter referred to is as follows:

It can act only through its officers and agents, and they must act within the States. If, when thus acting, and within the scope of their authority, those officers can be arrested and brought to trial in a State court for an alleged offense against the law of the State, yet warranted by the Federal authority they possess, and if the General Government is powerless to interfere at once for their protection—if their protection must be left to the action of the State court—the operations of the General Government may at any time be arrested at the will of one of its members. The legislation of a State may be unfriendly. It may affix penalties to acts done under the immediate direction of the National Government and in obedience to its laws. It may deny the authority conferred by those laws. The State court may administer not only the laws of the State, but equally Federal law, in such a manner as to paralyze the operations of the Government; and even if after trial and final judgment in the State court the case can be brought into the United States court for review, the officer is withdrawn from the discharge of his duty during the pendency of the prosecution and the exercise of acknowledged Federal power arrested. We do not think such an element of weakness is to be found in the Constitution.

The United States is a Government with authority extending over the whole territory of the Union, acting upon the States and upon the people of the States. While it is limited in the number of its powers, so far as its sovereignty extends it is supreme. No State authority can exclude it from the exercise of any authority conferred upon it by the Constitution, obstruct its authorized officers against its will, or withhold from it for a moment the cognizance of any subject which that instrument has committed to it.

Mr. SPOONER. Now, Mr. President, I have said all that I care to say upon the subject. It is of vital consequence; it is fundamental. If the opposite doctrine can be maintained, this is not much of a Government. For one I never shall believe in any doctrine, wherever declared or however argued, which involves a denial to the Government of the United States through the Congress of the power to define as a crime the assassination of a President or a Vice-President or the assault with intent to assassinate him or a conspiracy to take his life.

I am quite well aware that I have discussed this in a desultory way; but I have great earnestness concerning it, because I regard it as so vital. The other objections made to this bill I do not care to spend much time upon.

Mr. RAWLINS. Will the Senator from Wisconsin permit an interruption?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. SPOONER. I do.

Mr. RAWLINS. I have to go away, and there is one point to which I want to invite the Senator's attention and also the attention of the Senator from Massachusetts. It is in regard to the next section—an attempt to kill the President. I find in a standard author upon criminal law this language in relation to attempts:

A crime once committed may be pardoned, but it can not be obliterated by repentance. Therefore, if a man resolves on a criminal enterprise, and proceeds so far in it that his act amounts to an indictable attempt, it does not cease to be such though he voluntarily abandons the evil purpose.

Now, this point troubles me. Suppose a man proceeds so far as to be guilty of the indictable offense of an attempt to kill the President but he repents before inflicting the fatal blow and abandons the purpose, he may under this second section of the bill be indicted, and if convicted of that offense he must be punished with death. I think before a man is punished with this capital degree of punishment he ought to have room for repentance.

Mr. SPOONER. He ought to repent before he tries it.

Mr. COCKRELL. That is the time.

Mr. HOAR. Before he commits the offense, and not afterwards.

Mr. TELLER. If he repents before he tries it, then he is not guilty at all.

Mr. RAWLINS. If the Senator will read the decisions defining attempts to commit crime, he will find—

Mr. HOAR. May I ask the Senator a question? What would he do with a man who shoots at the President, misses him, and then repents before he shoots again? Would he call it square?

Mr. SPOONER. And says he shot to miss, if he did miss.

Mr. RAWLINS. I suppose I would punish him according to the degree of his offense. If a man should buy a gun under excitement or some great provocation, with a declaration that he intended to use it to take the life of the President, and as soon as he recovered his senses and deliberated upon the question repented and went no further, I would not punish that man capitally.

Mr. HOAR. That is not an attempt.

Mr. SPOONER. That would not be an assault with intent to kill the President.

Mr. HOAR. Nor an attempt either.

Mr. SPOONER. Nor an attempt.

Mr. RAWLINS. There are many decisions which would so hold.

Mr. MCOMAS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. I have yielded to the Senator from Utah, if the Senator does not intend to read that book.

Mr. RAWLINS. I intend to read only a brief paragraph.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Maryland?

Mr. MCOMAS. Only for a question. Has not the Senator from Utah confounded a threat with an attempt? He has described simply a threat and not an attempt.

Mr. RAWLINS. I will read what Mr. Bishop, a standard author on criminal law, says:

The subject of this chapter is alike intricate and important.

That relates to attempts.

The reports are full of cases upon it, yet it is but imperfectly understood by the courts.

Then he proceeds to elaborate the great uncertainty based upon the decisions of this question as to the degree of action that is necessary in order to involve the crime of attempt, and confesses that upon the decisions it is left in utter uncertainty. The mere intent to do it is not sufficient, but if the intent is coupled with any act making progress in the direction of the consummation of the intent, it is held to be an attempt indictable and punishable as such.

I am in favor of protecting the President and every other person in the exercise of his duties as an officer, but there is some trouble in my mind upon the second section. It goes beyond anything in this country heretofore and anything attempted in foreign countries.

Mr. SPOONER. Has the Senator any decision which holds that if a man said he would commit an offense and bought a revolver and took it home and thought the thing all over and then concluded that he would not commit the offense, that constitutes an attempt to commit the offense?

Mr. RAWLINS. I do not know that I have a decision exactly like that, but the Senator will find numerous decisions. There must be an act, it is true. But I commend this chapter of this standard author upon criminal law to the consideration of the Senator from Wisconsin and the Senator from Massachusetts. That is all the interruption I desire to interpose.

Mr. SPOONER. Mr. President, I have had some experience in the practice of the criminal law, and with great deference to my friend from Utah, I do not see that the case which he puts could by any human possibility be contended by anyone to come within the language of section 2.

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. I do.

Mr. TELLER. I am not a criminal lawyer myself, and I may be mistaken, but it seems to me that we do not change the ordinary methods of declaring this crime an attempt to kill. We may put a more severe penalty upon it, but that is all there is in this case.

Mr. SPOONER. That is the first section. Section 2 refers to the first section for a definition of the offense.

Mr. RAWLINS. The ordinary definition of an offense which involves an attempt to commit murder is pretty well defined in the law. It is embraced in all our statutes. But the crime of an attempt to commit murder is not thus so clearly defined. The decisions, as stated by this author, are entirely in irreconcilable uncertainty, if not in conflict, as to the degree of action necessary to constitute that offense coupled with the offense. If it is an assault with intent to commit murder it must be a direct assault. That change, in my judgment, would very much improve the section.

Mr. SPOONER. I was not giving attention to the particular language of section 2, but I have no doubt myself that a man who assassinates the President ought to die for it under a Federal law.

Mr. RAWLINS. The Senator need not look at me and make that statement with such emphasis. I think the same as he does about it.

Mr. SPOONER. My friend must not suppose that I entertained any other thought of him. I think a man who attempts to kill the President ought to be punished with death.

If President McKinley had been permitted to live and in a measure recover, wounded and hurt, to linger along for years a different man, his assassin would have been punished for an assault with intent to commit murder by imprisonment for ten years; in other States it might be less or it might be more. All I have to say about that is that, regardless of the laws of the States, it ought to be made by an act of Congress punishable by death, Mr. President, and if the Senator is not satisfied with the language, I suppose, if there is good reason for it, the Senator from Massachusetts will consent to a modification. I see no objection to the language as it stands.

Mr. HOAR. If the Senator will pardon me, I would make any reasonable modification I could. I know the great legal ability of the gentlemen on the other side of this question, and any language that would meet their grave doubts that will not impair



the substance and strength of this bill—mere phraseology—I should be glad to accept.

Mr. SPOONER. Mr. President, the Senator from Utah [Mr. RAWLINS] asked a question and disappeared.

Mr. CARMACK. The Senator from Utah has been called from the Chamber to attend a committee meeting.

Mr. SPOONER. I have no doubt the Senator is necessarily absent, but I will answer him in the language of Judge Aldrich. The Senator asked me a question as to the power of Congress to punish the assassination of an ambassador, and I indorse what Judge Aldrich says upon the subject. He states it better than I can.

Section 3 proposes to include within its provisions ambassadors and ministers from foreign countries.

That is a section of the bill which Judge Aldrich had prepared; it is a very ably drawn bill, and covers more than this bill does.

Mr. COCKRELL. The language of the bill is, "the sovereign or chief magistrate of any foreign country."

Mr. SPOONER. The Senator from Utah asked me about ambassadors.

Mr. COCKRELL. I thought he asked you about the killing of the sovereign or chief magistrate of any foreign country.

Mr. SPOONER. Judge Aldrich answers it. He says:

The obligation of protecting such foreign agents has existed, under the principles of international comity and the law of nations, at least since the days of Vattel and Phillimore—

An offense against the law of nations is entirely within the jurisdiction of Congress so far as legislation is concerned. I do not need to spend time upon that. I did intend to comment upon the strictures made by the Senator from Georgia upon section 3 and section 5, denouncing as an offense the act of—

any person who shall, within the limits of the United States, or any place subject to the jurisdiction thereof, instigate, advise, or counsel the killing of the President or Vice-President of the United States.

Mr. McCOMAS. If it will not interrupt the Senator, I will state that the Supreme Court, in the case of the United States v. Arjona, in 120 United States, held that the law of nations requires every national government to use due diligence to prevent wrong being done within its own dominion to another nation, and especially would this apply in the killing of the sovereign of another nation.

Mr. SPOONER. Yes; it arises out of the law of nations. I remember that case.

That or kindred language is found in several places. It is objected that under that language an innocent man might be convicted. That might be said, as was remarked by the Senator from Massachusetts yesterday, of any offense. Innocent men have been convicted of murder, of forgery, and of almost every offense in the catalogue of crime. But one consideration escaped the Senator from Georgia, I think, in his criticism of this language, and that is a well-settled rule of construction.

This is a highly penal statute, and its language would, of course, be strictly construed. It can not be enlarged by intendment. The word "instigate" is defined "to bring about by inciting," "to provoke." Its synonyms are "to abet; to animate; to encourage." For forty years the word "incite" has been in the Statutes against insurrection and rebellion. (Sec. 5334, R. S.) Anyone who advises, counsels, abets, incites, encourages, or provokes the assassination of the President of the United States ought to be punished, as provided in this section, by imprisonment at least for twenty years.

Mr. PATTERSON. Mr. President, I want to ask the Senator from Wisconsin whether or not the object uppermost in the minds of Senators who feel as he does—and they are on both sides of the Chamber—would not be met by having the law so framed as to punish with death the murder of the President or of foreign rulers, or even for a conspiracy to commit such an offense against the President.

I am perfectly satisfied that if the bill is so framed as to provide for the punishment within the Federal jurisdiction of those who commit murder, or who attempt to commit murder, or are particeps criminis, or who are accessories before or after the fact of murder against the officials mentioned, such a bill will receive a very considerable vote upon this side of the Chamber; and it seems to me that the bill should be so framed as to meet those offenses, and none others.

Mr. SPOONER. That is not all the provision that ought to be made.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. I shall be through in a moment, but will yield if the Senator wants to ask me a question.

Mr. CULBERSON. I dislike very much to interrupt the Senator, but I have an engagement which takes me from the Chamber, and I have drafted a substitute for the bill which we are now

considering, which to a certain extent, and probably to the full extent, meets the suggestion of the Senator from Colorado [Mr. PATTERSON] who has just taken his seat. If the Senator from Wisconsin will kindly let me offer the substitute and have it read, I shall be greatly obliged to him.

Mr. SPOONER. Certainly.

The PRESIDING OFFICER. The Senator from Texas asks to have read a substitute for the pending bill, which will be read by the Secretary in the absence of objection.

The Secretary read as follows:

Substitute intended to be proposed by Mr. CULBERSON to S. 3353, entitled "A bill for the protection of the President of the United States, and for other purposes."

Strike out all after the enacting clause and insert the following:

"SECTION 1. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill the President of the United States or the official next in succession to the Presidency under the Constitution and laws of the United States, or who shall willfully and maliciously kill the sovereign or chief magistrate of any foreign country, shall be punished with death.

"SEC. 2. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, attempt to commit either of the offenses mentioned in the foregoing section shall be punished with death.

"SEC. 3. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, advise or counsel the killing of the President of the United States or the official next in succession to the Presidency under the Constitution and laws of the United States, or shall conspire with any other person to accomplish the same, or who shall advise or counsel the killing of the sovereign or chief magistrate of any foreign country, or shall conspire with any other person to accomplish the same, shall be punished by imprisonment not exceeding twenty years.

"SEC. 4. That any person who has conspired as aforesaid may be indicted and convicted separately, although the other party or parties to the conspiracy are not indicted or convicted.

"SEC. 5. That any person who shall willfully and knowingly aid in the escape from punishment of any person guilty of either of the offenses mentioned in the preceding sections shall be deemed an accomplice after the fact, and shall be punished as if a principal, although the other party or parties to said offense shall not be indicted or convicted."

Mr. SPOONER. Mr. President, I do not wish to occupy any further time. My main purpose was to discuss the constitutional question raised by the Senator from Georgia. I think this bill, or its substance, ought to be enacted. I have no doubt whatever about the power of Congress to enact it. I believe it should contain some strong provisions to punish men who advise orally or by printed words the assassination of the President of the United States, or of one in line of succession. That is a grievous offense; it is not liberty of speech, it is license, which ought not to be tolerated. Sometimes, strong men, by the use of words of counsel or advice or an adroit utterance, intentionally and almost inevitably lead some weaker tool to perpetrate this awful crime. I would not invade the liberty of the press; I would not invade the liberty of speech; but I would throw around the Presidential office some safeguards against the effect of such diabolical assaults and dangers. I have finished.

Mr. VEST. Mr. President, I wish to ask my friend from Wisconsin a question. I have great respect for his opinion as a lawyer and a legislator, and I want to say frankly that I am anxious to vote for this bill if I possibly can.

Does the Senator not think, as a lawyer, that the object which he has just stated in concluding his remarks will be fully attained by changing the language of the bill as he has quoted it, so that it will read: "Aid, abet, advise, or counsel the assassination of the President of the United States?"

Mr. SPOONER. I do. I have stated that I was not wedded to any particular language in this bill. I think the language which the Senator suggests will accomplish the purpose.

Mr. VEST. If the bill is made to read, "aid, abet, advise, or counsel," I then shall vote for it with great pleasure, but I state frankly—I may be wrong; it may be the effect of bad education politically—but I have a great antipathy against the old alien and sedition laws, after a study of the history of them. I have been confirmed in my impression against that legislation, and this bill is nearly a copy of those old alien and sedition laws.

Mr. President, the word "instigate" is too loose. I know that I have been accused by the public press and on this floor of having instigated rebellion against the United States, when I have only given my honest judgment on questions pending here. To submit to a court, with a judge who has very decided opinions upon the question, who is not a capable lawyer—and there are some such judges—and let the question of whether this offense has been instigated come in times of great political excitement before a jury taken from the district in a Federal court, or in a State court from the county, and every lawyer and every layman who has intelligence can see what abuse and what outrage it would justify and which would be perpetrated upon that word "instigate," with the definition given by the Senator from Wisconsin, who, I believe, has read it from some authority.

Mr. PATTERSON. I should like to ask the Senator from Missouri a question, if he will permit me.

Mr. VEST. Certainly.

Mr. PATTERSON. Are not the terms "counsel or advise"



as capable of as much misconstruction as the word "instigate?" Here is the difficulty, and I want to call the attention of the Senator from Missouri to it: You may be engaged in conversation with a single individual. He may construe what you have said as advising or counseling him to murder the President. He alone can have you indicted, and upon his testimony alone you may be punished for the offense of having counseled or advised him to commit murder. There is no overt act required in connection with the charge.

Mr. HOAR. That is an overt act.

Mr. PATTERSON. Oh, no; not within the meaning of law. I ask pardon of the Senator from Massachusetts. "To advise" is not an overt act. It gives too much opportunity in times of great political excitement or otherwise for personal revenge or the reeking of private hate and spleen, for one man to be able to say, without a single overt act being provable or having been committed, that his friend or his neighbor or his enemy in a conversation with him advised or counseled him to commit such a heinous offense.

I can not and never will vote for a law that is capable of such wrong against the citizen, when, if the offense is that of conspiracy, then there must be two minds at least meet toward the accomplishment of a given design; but where you make the punishment of any citizen dependable upon a word or a sentence that may drop from his lips inadvertently or otherwise, and his punishment be dependable upon the testimony of a single individual as to what that conversation was, I never can bring myself to vote for it.

Mr. VEST. It seems to me it is entirely immaterial whether it is conspiracy or an individual act, provided it brings about the crime which we are seeking to prevent and punish.

Mr. PATTERSON. But the trouble—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Colorado?

Mr. VEST. Of course.

Mr. PATTERSON. To punish for advising or counseling is to punish a man though he may not bring about the crime. I may be accused of having advised the killing of the President, and yet the President may never have been in danger of receiving a single blow.

Mr. VEST. All that is a question for judicial determination. If my friend from Colorado waits for legislation which will meet every conceivable contingency in a court of justice, he might as well abandon the idea of any legislation at all. Hard cases do not make the law. It must be a very weak judge and a very ignorant or corrupt jury who do not understand what the words "counsel and advise" mean.

Mr. PATTERSON. I venture the prediction that there is not such a law as that to be found upon the statute books of any State. There is no provision, I will venture the assertion, upon the statute books of any State that punishes a man for counseling or advising anything. It must be more than that; it must go far beyond that.

Mr. McCOMAS. Will my friend from Missouri permit me to interrupt him for a moment?

Mr. VEST. Of course.

Mr. McCOMAS. I wanted to interject the remark that the venture of the Senator from Colorado [Mr. PATTERSON] is a very rash venture. I could within an hour and a half produce hundreds of such instances as those he challenges; but my purpose was to suggest to the memory of the Senator from Missouri [Mr. VEST] that the word "instigate" is the apt legal word, meaning to incite or provoke, and I wish to endeavor to refresh his recollection by saying that in many of the legal definitions of crime it is used even more frequently than "incite" as the equivalent of the terms "aid" and "abet." It is the precise legal term, I respectfully submit, for the purpose here intended.

Mr. VEST. Mr. President, I do not know that I understand the Senator from Maryland exactly. Does he mean to say that the words "aid or abet" would be sufficient?

Mr. McCOMAS. I say that in criminal statutes "instigate" means to incite or provoke. It is used with "advise and counsel" or with "aid and abet," but it covers all there is in "incitement," all there is in "provoking," and it does really include "counseling" and "advising." I mean to say that it is the apt legal term in this connection in the section where it is used. I submit that to the recollection of the Senator from Missouri.

Mr. VEST. That is very probable; and there may be other words which would meet my approbation and accomplish my object better than those I have suggested. I mean simply that this statute, in my judgment, should be so framed as to reach every human being—if it shall be but one human being—who in any way, directly or indirectly, aids or abets or is accessory before the fact or counsels or advises—those words are very distinctly understood in law and in everyday life—the terrible crime which has been three times committed in this country within recent years.

I would vote with pleasure for this bill, although there are objectionable features in it; but I will sacrifice my individual opinion as to the other things if this objection I make can be removed.

Mr. HOAR. Will the Senator state exactly the amendment he desires to have made?

Mr. VEST. I have not a copy of the bill before me, but I suggest that the words "aid, abet, counsel, or advise," be used.

Mr. HOAR. I will accept that amendment.

Mr. VEST. That is all I ask.

Mr. HOAR. I move to strike out the word "instigate," and substitute the words "aid, abet." If there be no objection, I ask that that amendment may now be adopted.

Mr. TELLER. Where does the amendment come in?

Mr. HOAR. In the third line on the second page of the bill.

If I may be allowed to say so, I agree with the Senator from Maryland [Mr. McCOMAS] that the word "instigate" is the proper legal term, and not only is it the proper legal term, but it is a term requiring more certainty of a deliberate purpose to induce another man to commit an act than are the words "counsel" and "advise." But, in deference to the desire to make this bill satisfactory, without sticking on immaterial matters and in deference to the Senator from Missouri, I will accept his amendment.

The PRESIDENT pro tempore. Will the Senator from Massachusetts state the amendment he desires made?

Mr. HOAR. I move to strike out the word "instigate" in the third line of section 3 of the bill and to insert the words "aid, abet."

The PRESIDENT pro tempore. The Chair understood the Senator from Missouri had two other amendments to offer.

Mr. HOAR. I ask that the one I have just suggested may be first accepted.

Mr. PETTUS. I desire to know where those words are to come in.

Mr. HOAR. In section 3, page 2, line 3, to strike out the word "instigate" after the word "thereof."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 3, on page 2, line 3, after the word "thereof," it is proposed to strike out "instigate" and insert "aid, abet."

Mr. TELLER. Now, let the first part of the section be read as it will stand when amended.

The Secretary read as follows:

That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, aid, abet, advise, or counsel the killing of the President or Vice-President of the United States or any officer thereof upon whom the powers and duties of the President may devolve, etc.

The amendment was agreed to.

Mr. MALLORY. Mr. President, I wish to call the attention of the Senator from Massachusetts to the fact that the word "instigate" again occurs in section 5, on line 18 of page 2.

Mr. TELLER. That should be stricken out.

Mr. HOAR. In section 5, on page 2, line 18, I move to strike out the word "instigate" and insert the word "counsel."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In section 5, on page 2, line 18, after the word "or," it is proposed to strike out the word "instigate" and insert "counsel;" so as to read:

That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, by spoken words, or by written or printed words, uttered or published, threaten to kill or advise or counsel another to kill the President or Vice-President of the United States, etc.

The amendment was agreed to.

Mr. TELLER. Mr. President, I do not desire to take much time on this bill, for it has been very thoroughly discussed. I do not suppose that the Senator from Massachusetts [Mr. HOAR] will ask us to vote upon the bill to-day, for I am sure we should all like to see the substitute offered by the Senator from Texas [Mr. CULBERSON] in print. I do not suppose there is any great haste to reach a vote on the bill to-day.

I have not any question of the power of Congress to enact legislation of this general character. I assume that the Government of the United States has the power to protect its officers and to punish offenses against them, which follows the right to protect. I can scarcely conceive how the Government of the United States could be administered under certain conditions if the Government did not have the power in its own courts to protect its officers.

I have not been one of those who felt that there was such a crying need for legislation of this character as some other Senators appear to think there is. I am anxious to vote for some proper bill, because I think the public sentiment of the country has been aroused on this subject, and the people seem to think that some legislation should be enacted, but I want a bill that shall be as nearly perfect as it is possible to get it.



I realize that it is impossible to prevent some abuse of any provision that we may insert in this or any other bill. In my opinion, the bill has been very much improved by striking out the word "instigate," for while the Senator from Massachusetts says that is the proper word, it is a word of extremely broad definition, and is synonymous with "incite." I know, as the Senator from Missouri [Mr. VEST] said a few minutes ago, that a number of Senators have been charged on this floor with inciting rebellion in the Philippine Islands, because they did not agree with the method by which the war was being carried on over there, who had as little idea or desire to instigate opposition to the Government as any other Senators here. But in times of extreme excitement those words might be used injuriously, and they are not necessary for the purpose for which this bill is designed.

This bill, as originally prepared, seems to have been more of a measure to punish parties who should assault the President than to protect the President, although it is professedly "for the protection of the President of the United States, and for other purposes." The other purposes seem to me to be the principal thing; that is, the punishment.

The seventh section, which I think is objectionable, but which I do not consider sufficiently objectionable to compel me to vote against the bill, came in by an amendment of the committee, I understand. I do not like it. I prefer very much that the protection of the President shall be remitted to the civil branch of the Government and not the military. I should like very much if the Senator who has the bill in charge would look it over and see if he can not authorize the Secretary of War or the Secretary of the Treasury, who has charge of the secret-service force of the Government of the United States, to protect the person of the President by a guard which, to do it effectually, must be a secret guard.

The President of the United States has had that for many years, and I have not the slightest doubt that if there had been attempted in Washington what occurred in Buffalo, it would have been frustrated before the crazy assassin could have reached him. But the President having gone to Buffalo, there was a disorganization of the ordinary methods of providing for and looking after the safety of the President which have been in vogue here for many, many years under all the Administrations about which I have known anything since I have been here, and to a very much larger extent in the last few years than in the early years of my service in this body. I am not complaining of that, because as the population grows greater the danger will be greater. The ordinary methods have been through the secret service of the Government, but the President being away, that service was disorganized, and the probability is that the slight change of a gentleman connected with that service from the usual position he had with reference to the President permitted the catastrophe.

There never will be a time when by any legislation of this character, or any other, you can entirely secure the person of the President of the United States as the head of this Government. No severe punishment, I do not care how severe it is, will do it, and, as a rule, I think the experience of mankind has been that the severity of punishment is not a deterrent of crime. I believe it is a proposition which I need not elucidate, for I believe everybody admits it. When Great Britain had a great many more capital offenses, amounting to more than 200, crime was more rampant and the same offenses were more frequent than with punishments of less severity. So I think as a principle it does not remove the danger to the President of the United States to say that a man who attempts to kill the President is going to be punished by death, or, if he does kill him, that he shall be punished by death.

The danger to the President of the United States comes from two classes of people: One whom we denominate anarchists—to which class it is said the assassin of the late President belonged—and the other are crazy people or people who are not normal. I do not suppose I expose anything that the public does not know when I state that it is almost a weekly occurrence that somebody comes here with a view in his mind of assassinating the President—some crazy man, some foolish fellow, like the man who came here last fall and said he had been elected and not Major McKinley, and he wanted to take the office. There is all that kind of thing. That is the class of people you have to contend with. That is the class of people for whom you want this guard. If any man of determined spirit makes up his mind to kill the President and take the consequences, the chances are very greatly that he can do it, and there is nothing we can do which will prevent it. But we certainly can throw some safety around the President of the United States. However, I do not think we shall throw it around the President by making the Army the agent of his protection. I think it would be a great deal better to leave it where it has been. I suppose everybody knows that in the last Administration we did not make so large appropriations perhaps for that purpose as

in some former Administrations, and yet if we had made ten times the appropriation that we did make, the crime would have been committed.

I am anxious to vote for this bill, as I say, not because I think it is so very necessary, nor because I believe it will accomplish very much, but because it meets a public sentiment which has been very rife since the killing of the President of the United States. And yet I am anxious that the bill shall be amended so that not only in its actual administration, but in its general appearances, that it shall have proper regard for the rights of free speech and the freedom of the press. Of course I know it is possible that you may convict any man under any criminal law of a crime named in the law who is not guilty of any crime at all. Those things we can not by legislation avoid, but we can diminish the danger somewhat by using proper words, and we can take away somewhat the temptation to somebody who wants to pursue some other person—to trump up, in common parlance, a charge against the citizen—when there is not any ground for it. That is one reason why I object to the word "instigate." I think the term is broader than is necessary, and I think it would be very easy to say that Mr. Jones or Mr. Smith made a speech somewhere which was calculated to incite the populace to the extent of killing the President or somebody else when the speaker had no idea of any such purpose and when, perhaps, that was not the real result at all of his speech. It is delicate ground. It is not necessary in this bill, or in any other, to go to that extent. If we say that any person who shall willfully and maliciously, as I understand the bill now reads—

Mr. COCKRELL. Has the word "maliciously" been inserted?

Mr. TELLER. I will ask the Senator from Massachusetts whether the word "maliciously" has not been inserted after the word "willfully."

Mr. HOAR. No.

Mr. TELLER. Then I think—

Mr. HOAR. I have said at some time that I would consent to have that word put in. Indeed I am willing to put in what some Senators thought they would rather have—

Mr. COCKRELL. Mr. President, has the word been put in?

The PRESIDENT pro tempore. It has been.

Mr. TELLER. It has been inserted?

The PRESIDENT pro tempore. It has.

Mr. TELLER. That is the equivalent of saying "murder." Some Senators have said they preferred "murder." I should not care about it. I do not think there is any real difference between the terms.

The first section provides that "any person \* \* \* who shall willfully cause the death of the sovereign or chief magistrate of any foreign country shall be punished with death." Of course, that means who shall do so in this country?

Mr. HOAR. Yes.

Mr. TELLER. Otherwise we would not have any jurisdiction.

Mr. HOAR. It says so in the early part of the section.

Mr. TELLER. Yes; subject to the jurisdiction of the United States.

Mr. HOAR. It says so in both places.

Mr. TELLER. The Senator from Georgia has proposed an amendment which seeks to distinguish the act of killing when the President is performing the functions of his office and when he is not. I can not quite see how we can do that.

Mr. BACON. If the Senator will pardon me, he does not state accurately the character of the amendment.

Mr. TELLER. Perhaps I do not. I will let the Senator state exactly what it is. The amendment says, "Because of his official position."

Mr. BACON. Yes.

Mr. TELLER. The Senator means a person who shall kill him because he is President, "or for the purpose of destroying the Government or impairing the execution of its constitutional powers." It does not make a bit of difference whether the murderer intends to impair the execution of the constitutional power, he does it by the murder. I do not know exactly how you are going to determine the question "because of his official position," because he is President.

Mr. BAILEY. Does the Senator mean to say that the killing of anybody necessarily interrupts the constitutional functions of government?

Mr. TELLER. It interrupts their exercise for the time being, of course.

Mr. BAILEY. It can not possibly, because the succession is provided for under the Constitution and under the law of Congress, and while it may delay—

Mr. HOAR. That interrupts.

Mr. BAILEY. A moment. While it may delay for an hour until the successor can come to take the oath of office, still the experience is that the successor is always near at hand to take the oath, and in theory, as well as in fact, the succession is almost



instantaneous. There never has been an interruption of the constitutional functions of government by reason of the death, either violent or peaceful, of any President of the United States.

Mr. TELLER. It is very easy to imagine that such a thing might happen.

Mr. HOAR. Suppose the shot had been immediately fatal and the Vice-President had been at a distance. Take a case before the days of steam and the telegraph. Suppose Washington had been assassinated and John Adams was at Quincy, Mass.

Mr. BAILEY. Even in that day they had no such law as this, although the inconveniences of travel and notification were very much more serious.

Mr. HOAR. Now, the Senator—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the two Senators?

Mr. TELLER. I yield.

Mr. HOAR. The Senator undertakes to make an argument to the effect that there can be no interruption, practically and substantially, in the functions of the Presidential office by reason of the murder of the President. When it is suggested to him that the Vice-President or the next person in succession may be absent and not get the news for a day, or perhaps some things are required to be done within an hour, or that John Adams was at Quincy when General Washington was in Philadelphia, he answers, "Oh, well, we did not have any such law as this."

Mr. TELLER. Because it has not been the case that there has been an interregnum of any great length it does not follow that there never will be. In the recent case the Vice-President, it is true, was hunting. He had every reason to suppose that there was no necessity for his remaining in the vicinity of the injured President. Everybody in the United States believed he was on the road to recovery, and he believed it. Now, if he had succeeded in getting into the wilderness with his guide, where he might have got in another day, it might have been a week before he could have been found. So in that case there certainly would have been an interruption in the exercise of the Executive power. Nobody else, not even the Secretary of State, in the lifetime of the Vice-President can act. It may be a remote contingency and may not often occur.

But I do not know how we are to determine whether the man who kills the President kills him for the purpose of destroying the Government or impairing the execution of its constitutional powers or whether he kills him because he has some grievance against him, as it was said the murderer of Garfield had.

I suppose in the case of the late President there is no question but that the party assassinating him intended to bring about some condition, and probably in his crazy brain he did not understand exactly what; but he intended to interrupt at least the executive functions of the Government, and I suppose he would fall under the provision. I doubt whether you can make those fine distinctions in a bill like this. The President of the United States must at all times be presumed to be in the exercise of the functions devolved upon him by the Constitution and his election, because, as I suggested when the Senator from Wisconsin was speaking, the place of exercising those powers is coextensive with the whole boundaries of the United States.

We have a sort of unwritten law that the President shall not exercise any of the functions of President if he be outside of the country, and that he might abandon his office if he went out. So I presume there is no President who will go out. But we have had a number of instances of the President calling the Cabinet together in the State of New York, in the State of New Jersey, I think in the State of Ohio during the last Administration, and nobody has ever doubted that he could perform every function there that he could perform in this city. At least I do not think anyone ever has. I suppose if a bill should pass and the President had gone over to Maryland, and happened to be over there and the bill was brought to him there he could sign it just as well in Maryland or Virginia as in the District of Columbia.

I see the purpose that the Senator from Georgia has in trying to make a distinction between the official of the United States and an individual citizen of the United States, which the President is in one sense of the term.

I do not think in this discussion there is any necessity for anybody to complain of Senators who have wanted to exercise supreme care. I may say, in getting this bill in proper shape. I desire to vote for it, as I know every other Senator here does, if it commends itself to him in general principles. If it does not violate any fundamental principle of government, every Senator here wants to vote for it of course. Some Senators feel, and I felt so myself, that it was unnecessarily open to criticism; and if I find when I come to read the substitute offered by the Senator from Texas that it meets my views better than this measure, I mean to vote for it, and I do not want anybody to get up here or anywhere else and say that I am less concerned about protecting the person of the President of the United States than they are

because I do not see fit to insert in the bill all the provisions they see fit to insert in it. I think it is hardly fair because certain Senators have criticised this bill that there should be criticisms of the Senators to the extent of intimating at least that the criticisms are simply for the purpose of finding fault with the bill and not for making it a perfect and complete measure.

I have followed the Senator from Georgia in his discussion of this bill, and I think it has been able and conservative, and many of his ideas I think meet the approval of Senators who want to vote for the bill and who perhaps will vote for it, although it does not suit them in every particular.

As I say, I do not like to vote for section 7. I do not think it is a nice thing for us to use the Army for the purpose of protecting the President of the United States, and yet there is no great principle involved in it, because it is a limited use of the Army. It is a violation of the general principle that the laws of the United States shall be enforced, not by the Army, but by the civil branch of the Government, and yet I should hardly feel disposed to vote against the bill simply because section 7 does not meet my approval. But I believe the Senator from Massachusetts might make it so that it would meet my approval and the approval of a good many others by simply authorizing the Secretary of War to detail persons for this duty, without saying that they must be detailed from the Army, leaving it discretionary with him as to whether he will take civilians, but putting a duty upon him which I can see the propriety of doing, because I know that no President of the United States will want to take that step. I know the present President of the United States would not like to do it. I do not believe the successor to President Garfield would like to have taken the step.

It might have been construed that he was afraid of being assassinated. We have the power to determine what protection the President should have, and of course I think we can say if we choose that the Army may be used; but I do not like to do it. I am afraid next time somebody will want the Army used somewhere else to enforce the law, for which it may be used under certain circumstances; but it ought not to be so used except under extreme circumstances.

For that reason I have made the motion to strike this out. I do not intend to press the amendment, but if the Senator who has the bill in charge thinks it ought to be in here and does not think he can make any change in it, I am not going to press my amendment, because if it should be voted down I should not for that reason feel compelled, the other provisions in the bill being correct, to vote against the bill.

Mr. HOAR. I was in hopes we could get a vote this afternoon. The debate seems to be pretty well over. It is now still early, 10 minutes past 3 o'clock. One or two Senators have manifested a desire to see in print before a final vote the substitute proposed by the Senator from Texas, and if that be their desire, perhaps we can get an arrangement for a vote at some hour to-morrow.

Mr. TELLER. I think we can get a vote without any arrangement.

Mr. HOAR. I am not quite sure of that, and I think it would be very convenient to have such an arrangement. Senators would know then what they can depend upon in regard to other business. I ask unanimous consent that at 3 o'clock to-morrow the Senate proceed to vote on the bill and pending amendments.

Mr. BAILEY. Mr. President, I dislike to interpose any objection to that request, but while we were voting on the subsidy bill a few days ago I discovered a very serious objection to an arrangement of that sort. For instance, none of us know what amendments will be proposed, and yet that unanimous consent having been given, when an amendment is proposed that we might desire to vote either for or against, but in order to do so might desire to state the ground upon which our vote was predicated, we are precluded from doing so.

Mr. HOAR. Suppose we make it 3 o'clock, the debate thereafter to proceed under the five-minute rule.

Mr. BAILEY. I should be entirely satisfied with that.

Mr. HOAR. I do not think that would make any practical difference.

Mr. McLAURIN of Mississippi. I hope the Senator from Massachusetts will not insist upon an arrangement to vote to-morrow. I think, as the Senator from Colorado has said, that we can very easily get to a vote to-morrow, but something might transpire which would make it necessary to carry it further over than 3 o'clock, or even 4 o'clock. Something might transpire so that we could not vote at all to-morrow. I hope the Senator—

Mr. HOAR. I am only asking what I supposed would be for the convenience of all Senators.

Mr. BAILEY. That they might know?

Mr. HOAR. That they might know something of the time when there was to be a vote, and so that the business which was to come on thereafter might be ready.

I may say, without any possible suggestion of any impropriety, I



think, that it has been the experience of the Senate for a great many years that these arrangements of fixing an hour to vote some time in the future have very largely operated to the convenience of Senators. They know what to expect. They get the business ready which is to come up afterwards.

There is the objection stated by the Senator from Texas, which is of great gravity, and at the same time when I came into the Senate, and when you came into the Senate, Mr. President [Mr. FRYE in the chair], nearly every measure about which there was a contest was settled by sitting up nearly all night and having a test of endurance. The majority said, "We will sit until we vote." I can remember one very eminent and rather grim Senator who used to sit near where the Senator from Indiana now sits, who used to write on little bits of paper "stick," "stick," and pass them around to his colleagues when they were getting sleepy.

So, after all, when the Senator from Mississippi shall have been here, as I hope he will, as long as I have—

Mr. McLAURIN of Mississippi. Thank you.

Mr. HOAR. He will be very much in favor of this way. But I will not press the request now if the Senator objects.

Mr. McLAURIN of Mississippi. I will say to the Senator, with his permission, that there is no disposition to delay the vote and no disposition to prevent a vote at any reasonable time; but I do not see the necessity for any great haste in voting on this measure, and while I believe we can very easily get to a vote to-morrow, it may be possible that we can not, and I would not like to be precluded now that there have been only two days' debate on the bill. I do not know that I shall desire to say anything on it myself, but I rather think I would like to suggest some things to the Senate to-morrow. My colleague desires to take up a few minutes, probably not more than ten or fifteen.

Mr. HOAR. I will not press the request.

Mr. President, I should like to say just one word about an argument which it seems to me is near the bottom of all or most of the objections which have been made, and that is that under possible circumstances a man may be convicted on imperfect evidence, or he may be convicted when he is innocent, or that there might be a great feeling of popular excitement which would lead to it, and therefore this particularly grave offense ought to be surrounded with safeguards as to the trial and the description which we do not apply to any ordinary crime.

I think Senators err when they say that there is danger in this country that men are to be convicted of treason or of offenses like murdering a Chief Magistrate, or inciting to the murder, on imperfect evidence under local or general political excitement. In all other crimes whatever—parricide, matricide, killing of children, or poisoning wells—you have the ordinary law of evidence. One witness is enough in law, and you trust the jury and the court and the pardoning power and the humanity and the common sense of the American people to make those laws work justice, and they work justice.

If there is any offense which the experience of this country shows men will not be convicted of wrongfully or cruelly under popular excitement, it is the offense of treason. There has not been, I believe, a man punished for treason in this country since its foundation. Every man who was in General Lee's army at Gettysburg, including its illustrious commander, might have been tried in Pennsylvania, before a jury impaneled from that vicinage, of the crime of treason if the Government had so willed, and yet no human being was tried. Until you change the temper of the American people or the Constitution or the regulations in regard to criminal trials, that is the one thing above all others in regard to which an innocent man will be safe. So there is no reason for excepting this offense, dangerous and frequent (as we are compelled sorrowfully to say), from the ordinary methods of ordinary criminal trials.

Mr. McLAURIN of Mississippi. Will the Senator from Massachusetts allow me to call his attention, before he sits down, to two lines in section 6?—

That any person who shall willfully and knowingly aid in the escape from punishment of any person guilty.

Would it not be better to have it read "escape from arrest?"

Mr. HOAR. That includes escape from arrest.

Mr. McLAURIN of Mississippi. The lawyer who defended the man might be aiding him in escaping from punishment.

Mr. HOAR. The word "escape" in criminal law is as well defined as the words "murder" or "felony." It is a common-law offense to escape.

Mr. McLAURIN of Mississippi. This does not follow the definition of escape in criminal law at all.

Mr. HOAR. I think it does.

Mr. McLAURIN of Mississippi. To escape in criminal law is to escape from arrest, whereas this reads, "escape from punishment." That is the matter to which I am calling the attention of the Senator. If he will put it in the definition of escape in

criminal law, I will have no objection to that feature of the bill. This is "escape from punishment."

Mr. HOAR. I think the Senator is right in that suggestion. What the Senator says is true.

Mr. McLAURIN of Mississippi. I was satisfied as to what the Senator meant by the bill.

Mr. HOAR. The old law term "escape" applies only to a person who is under arrest or—

Mr. McCOMAS. I suggest to the Senator from Massachusetts that it might satisfy the Senator from Mississippi if he would make it read, "in the escape from arrest or from punishment." Perhaps that would meet the effect of the suggestion.

Mr. McLAURIN of Mississippi. "To avoid arrest or escape from arrest."

Mr. HOAR. I think there is great force in the Senator's suggestion. What are the words which the Senator from Maryland suggests?

Mr. McCOMAS. I would say, "escape from arrest or from punishment."

Mr. HOAR. "To escape from arrest or punishment."

Mr. McLAURIN of Mississippi. The very objectionable point lies in the words "in the escape from punishment," because the lawyer who defends him, if he is charged with crime, is aiding him to escape from punishment.

The idea which I wish to convey to the Senator from Massachusetts is that instead of making it read that anyone who aids him to escape from punishment shall be himself guilty, let it read that anyone who aids him to avoid arrest or escape from arrest shall be himself guilty.

Mr. HOAR. Very well; but it is not necessary to detain the Senate by a discussion of phraseology. I think he can probably draw a phrase which I will agree to if he will let it stand for a moment. I think the Senator's point is well taken.

Mr. McCOMAS. Before the Senator leaves the matter, I suggest to both Senators that if we simply say—and that is the common-law matter of escape—"that any person who shall willfully and knowingly aid in the escape of any person guilty," etc., I think that would satisfy the purpose of the bill and satisfy the criticism.

Mr. McLAURIN of Mississippi. That would satisfy the criticism.

Mr. HOAR. Very well; let that be inserted, then.

Mr. McCOMAS. Then we shall have to strike out, in line 25, page 2, the words "from punishment."

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment, which will be stated.

The SECRETARY. In line 25, page 2, after the word "escape," strike out the words "from punishment."

Mr. McLAURIN of Mississippi. In order to make that fit, we should strike out the words "in the" and insert "anyone to;" so as to read, "willfully and knowingly aid anyone to escape."

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Massachusetts. The Senator from Mississippi is proposing an additional amendment.

Mr. HOAR. Has the amendment been agreed to?

The PRESIDENT pro tempore. The Senator from Mississippi proposes something further.

Mr. HOAR. Will the Senator state it?

Mr. McLAURIN of Mississippi. I do not think that without the addition of some other words the clause "that any person who shall willfully and knowingly aid in the escape of any person" would make the sense intended by the Senator from Maryland. I suggest to strike out the words "in the" in addition to the words "from punishment" and to insert "anyone." I think that will accomplish it.

Mr. McCOMAS. I think that there is no added significance by striking out the preposition. It will mean the well-known common-law phrase.

Mr. McLAURIN of Mississippi. The Senator is right.

The PRESIDENT pro tempore. The Senator from Maryland proposes an amendment, which will be stated.

The SECRETARY. In line 25, page 2, section 6, strike out the words "from punishment."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BAILEY. Mr. President, if the Senator from Massachusetts has concluded what he desired to say, I shall occupy a few moments of the Senate's time.

In the beginning I desire to say that no Senator here and no citizen of the United States elsewhere abhors more than I do the crime out of which this bill grew. No Senator here and no citizen elsewhere cherishes a more profound abhorrence of anarchy and its pernicious doctrines than I do. I readily agree that a man who advocates the violent destruction of all government is not entitled to the protection of any government, and I would as



cheerfully vote for this bill as the proponents of it if it drew the proper distinction between killing the President as the official head of the Republic and killing him as an individual.

We all agree that this Government has the power to remove every unlawful obstruction to its operation. Undoubtedly it possesses ample power to punish men who resist any of its officers in the execution of their lawful duties, and that principle applies from the President down to the humblest deputy marshal.

But, Mr. President, the Government of the United States possesses no power to punish any man who assaults or murders one of its officers in a matter not connected with his official duties. Let us suppose that a Vice-President is engaged in a hunting expedition, and that while he was thus engaged some of his fellow-hunters, without knowing who he was, should engage in a personal encounter with him. Now, sir, whether that encounter was provoked by personal insult or provoked by a supposed trespass upon the hunter's land, and although the hunter might be entirely ignorant of the Vice-President's personality and of his office, under this bill he could be arraigned in the Federal courts and punished; and this, too, notwithstanding the fact that the man who committed the assault had not the least intention of interfering in any degree with the operation of the Federal Government.

He might be as loyal and as patriotic a citizen as the Vice-President himself; he might have been as ready—and when I say that anybody was as ready as the last Vice-President to respond to his country's call I pay him a great compliment—he might have been as ready as the last Vice-President to have responded to any call upon him by his country; he might have cherished its institutions as fervently as the Senator from Massachusetts, and yet without any thought of interfering with the operation of the Government, without any thought of assailing it in any particular, he might engage in a personal quarrel with an unknown stranger, who might turn out to be a Vice-President of the United States in search of exciting recreation.

It has come to be an annual occurrence that the Chief Magistrate of this nation retires in the summer time to his usual home for rest and leisure. Let us suppose that in accordance with this custom the present President of the United States, when the dog days come, shall be at Oyster Bay, and there, without any reference to governmental questions or policies, he falls into a controversy with one of his neighbors about fences or boundaries—a most improbable supposition, but not by any means an impossible one—will any Senator say that we ought to so far forget our theory of this Government as to punish a citizen of New York who quarrels with and possibly assaults the President of the United States over a question having no relation to the Government?

Mr. President, the demand of the people in this country is that Congress shall lay its heavy hand upon the anarchist, and in that demand I join as heartily as anybody. Within the constitutional power of Congress, I would go to the very limit. I would hunt him from one end of this country to the other, until he should find no resting place. But, sir, in attempting to correct one evil, let us not introduce another. Let us rather show the world that we can suppress lawlessness according to law, and that in making laws to punish those who would subvert all government we can and will make them according to the Constitution.

I believe in suppressing lawlessness; I believe in subduing anarchy; but I believe in doing both according to the law; and there is no justification for doing either in any other way. If any man shall kill or assault with intent to kill the President of the United States because he is the President of the United States, and thus seek to destroy all sovereignty through the murder of the President, then surely there would not be in any quarter of the globe a voice lifted in his defense. The eradication of the anarchists is the one purpose which the country demands shall be conserved; that is the purpose the Senate desires to accomplish; and if you will offer a bill for that and that purpose only, we will present to the country the gratifying spectacle of a unanimous vote for its passage. Make it plain that we seek to destroy the men who seek to destroy the Government, and there will be no difference.

Of course, I speak without any canvass on either side of the Chamber, but I undertake to say that a bill drawn upon those lines and keeping away from the controverted or doubtful question will command the vote of every Senator in this Chamber. How much better will it be to serve the purpose which we have in mind by a unanimous-consent vote than to insist upon a measure of doubtful constitutionality and thus divide us as we must upon our consciences divide?

The Supreme Court, in the Neagle case, went a long ways, but it did not go to the extent, and in my judgment that court will never go to the extent, of saying that the Federal Congress possesses the power to punish a purely personal offense against one of the officers of the Government.

But, Mr. President, I have no expectation, of course, of influencing the vote of any gentleman on this measure, and I merely ventured to detain the Senate for the purpose of stating my own

position, because when the roll is called upon this bill, standing as it does, it is impossible, with my view of the constitutional authority of Congress, to vote for its passage.

Mr. COCKRELL. If there is nothing further to be done, why not have the bill reported by the Judiciary Committee, printed just as it has now been agreed to, and let the amendment proposed by the Senator from Texas [Mr. CULBERSON] be printed?

Mr. HOAR. I have no objection, Mr. President.

Mr. COCKRELL. I ask that the bill may be printed as amended, so that we can have it before us in that form to-morrow when it comes up for discussion.

The PRESIDENT pro tempore. The Senator from Missouri asks that the pending bill be printed and that the amendment offered by the Senator from Texas be printed.

Mr. HOAR. Is there any other amendment now actually offered?

The PRESIDENT pro tempore. There are amendments which have been printed and laid on the table, but none is pending. No amendment is now offered.

Mr. COCKRELL. I understand that the amendment of the senior Senator from Texas has not been printed.

The PRESIDENT pro tempore. The Senator from Georgia [Mr. BACON] offered certain amendments—

Mr. COCKRELL. I know, but the amendments offered by the junior Senator from Colorado [Mr. PATTERSON] and the junior Senator from Mississippi [Mr. McLAURIN] have been printed.

The PRESIDENT pro tempore. They have been printed.

Mr. COCKRELL. But the amendment of the Senator from Texas [Mr. CULBERSON] has not been printed. Let us have that printed.

The PRESIDENT pro tempore. That will also be printed, with the bill as amended, if there be no objection.

Mr. HOAR. Either all the amendments should be printed separately as they now are—

Mr. COCKRELL. Yes, certainly.

Mr. HOAR. Or printed with the bill. I think it is rather more convenient to have them printed separately.

Mr. COCKRELL. The amendment of the Senator from Texas will be printed separately, just as the others have been printed.

Mr. HOAR. Certainly.

Mr. McLAURIN of Mississippi. I suppose the order includes the printing of the bill as amended up to this time?

The PRESIDENT pro tempore. Up to this time.

Mr. TELLER. I wish to offer a substitute for section 7, and I ask to have it printed.

The PRESIDENT pro tempore. The amendment will be received. Does the Senator desire to have it read?

Mr. TELLER. No.

The PRESIDENT pro tempore. It will be printed.

Mr. BERRY. If that matter is disposed of, I desire to make a report out of order.

The PRESIDENT pro tempore. Is there objection to the Senator from Arkansas making a report? The Chair hears none.

#### MISSOURI RIVER BRIDGE AT ST. CHARLES, MO.

Mr. BERRY. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 4469) extending the time for the completion of a wagon-motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, and as extended by the act approved January 27, 1900, to report it without amendment and to submit a report thereon.

Mr. COCKRELL. This is simply a bill extending the time for the completion of a bridge over the Missouri near St. Charles. The charter has already been granted, and the bill provides for an extension of the time for its completion. It is only ten lines long or less. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of the bill, which will be read in full to the Senate for its information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to extend the time for completing the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., to June 3, 1904.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EXCLUSION AND DEPORTATION OF ALIEN ANARCHISTS.

Mr. BACON. Mr. President, I ask leave, out of order, to introduce a bill to provide for the exclusion and deportation of alien anarchists, which I shall ask to have read twice by its title and referred to the Committee on the Judiciary. Before the bill is read by its title at the desk, I desire to say that it is not original with me. It is a bill which was introduced in the Senate, I understand, by former Senator Hill, of New York, which passed the Senate, and which by a very narrow margin failed to pass in



the other House. It is the bill which was referred to by the Senator from Michigan [Mr. BURROWS] in an article written by him and published in the North American Review of December, 1901, from which the Senator from Wisconsin [Mr. SPOONER] read, and in which the article of Judge Aldrich appears.

I introduce this bill and ask that it be referred to the Committee on the Judiciary, not that I think the bill is sufficient in itself, although in the article to which I have referred the honorable Senator from Michigan went to the extent of saying that if this bill had passed the Fifty-third Congress, in his opinion, it would have prevented the assassination of President McKinley. It is possible that some further legislation may be required than is found in the provisions of this bill; but there are other bills kindred to it now before the Judiciary Committee. I introduce it and ask that it may be referred, in order that whatever there may be in the bill which can be availed of may be at their hands.

I have been induced to offer it because of my conviction of the correctness of the statement made by the Senator from Texas, that the great need, the great demand of the people of the United States, in view of what has occurred, and their anxiety that it should not again occur, is that we shall have preventive legislation. It is not sufficient that a man who murders the President of the United States shall be punished—and there is no doubt about the fact that whenever one does murder the President of the United States he will be punished—as he always has been in the past. But that does not meet the requirement. The requirement is to adopt measures which shall prevent the murder. It is with that view that I introduce the bill. I am heart and soul in favor of the most extreme legislation which can possibly be devised or justified for the accomplishment of that purpose.

The bill (S. 4610) to provide for the exclusion and deportation of alien anarchists was read twice by its title, and referred to the Committee on the Judiciary.

#### EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 3 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 20, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

##### *Executive nominations received by the Senate March 19, 1902.*

#### POSTMASTERS.

John J. Hodnett, to be postmaster at Tempe, in the county of Maricopa and Territory of Arizona, in place of John J. Hodnett. Incumbent's commission expired January 12, 1902.

Russell H. Chandler, to be postmaster at Yuma, in the county of Yuma and Territory of Arizona, in place of Russell H. Chandler. Incumbent's commission expired February 25, 1902.

Dora Clow, to be postmaster at Arkadelphia, in the county of Clark and State of Arkansas, in place of Dora Clow. Incumbent's commission expired January 10, 1902.

David W. Morris, to be postmaster at Modesto, in the county of Stanislaus and State of California, in place of George F. Wood. Incumbent's commission expires March 22, 1902.

George G. Radcliff, to be postmaster at Watsonville, in the county of Santa Cruz and State of California, in place of Benjamin A. Osborn. Incumbent's commission expired January 10, 1902.

Christian H. Wegerslev, to be postmaster at Alta, in the county of Buena Vista and State of Iowa, in place of Christian H. Wegerslev. Incumbent's commission expires March 22, 1902.

James F. Brenaman, to be postmaster at Alexandria, in the county of Madison and State of Indiana, in place of James F. Brenaman. Incumbent's commission expired January 10, 1902.

William E. Ward, to be postmaster at Ridgeville, in the county of Randolph and State of Indiana, in place of William E. Ward. Incumbent's commission expired January 21, 1902.

George J. Price, to be postmaster at Flora, in the county of Clay and State of Illinois, in place of George J. Price. Incumbent's commission expired January 10, 1902.

Bruce Dennis, to be postmaster at La Cygne, in the county of Linn and State of Kansas, in place of Elizabeth M. Broadwell. Incumbent's commission expired June 15, 1901.

William F. Darby, to be postmaster at North Adams, in the county of Berkshire and State of Massachusetts, in place of William F. Darby. Incumbent's commission expired March 9, 1902.

William F. Jobes, to be postmaster at Brookhaven, in the county of Lincoln and State of Mississippi, in place of William F. Jobes. Incumbent's commission expires March 22, 1902.

Charles B. Mersereau, to be postmaster at Manistique, in the

county of Schoolcraft and State of Michigan, in place of Elmer N. Orr. Incumbent's commission expired February 25, 1902.

William S. Linton, to be postmaster at Saginaw, in the county of Saginaw and State of Michigan, in place of William S. Linton. Incumbent's commission expires March 22, 1902.

Eva Demgen, to be postmaster at Virginia, in the county of St. Louis and State of Minnesota, in place of Stuart Bates. Incumbent's commission expired February 16, 1902.

Lewis F. Babcock, to be postmaster at Billings, in the county of Yellowstone and State of Montana, in place of Lewis F. Babcock. Incumbent's commission expired June 2, 1901.

Egbert L. Hodskin, to be postmaster at Fairport, in the county of Monroe and State of New York, in place of George G. Bown. Incumbent's commission expired July 20, 1901.

John J. Roehrig, to be postmaster at Rosebank, in the county of Richmond and State of New York, in place of John J. Roehrig. Incumbent's commission expired March 18, 1902.

Milton P. Schantz, to be postmaster at Allentown, in the county of Lehigh and State of Pennsylvania, in place of Milton P. Schantz. Incumbent's commission expires March 23, 1902.

Robert B. Clayton, to be postmaster at Ashland, in the county of Schuylkill and State of Pennsylvania, in place of Robert B. Clayton. Incumbent's commission expired January 10, 1902.

Louis Biltz, to be postmaster at Girardville, in the county of Schuylkill and State of Pennsylvania, in place of Louis Biltz. Incumbent's commission expired January 14, 1902.

A. B. Clark, to be postmaster at Hastings, in the county of Cambria and State of Pennsylvania, in place of Henry J. Van Dusen. Incumbent's commission expired January 10, 1902.

Burd R. Linder, to be postmaster at Orwigsburg, in the county of Schuylkill and State of Pennsylvania, in place of Burd R. Linder. Incumbent's commission expired January 14, 1902.

Daniel W. Bedea, to be postmaster at Shenandoah, in the county of Schuylkill and State of Pennsylvania, in place of Daniel W. Bedea. Incumbent's commission expired January 31, 1902.

Harry Martin, to be postmaster at Bonham, in the county of Fannin and State of Texas, in place of Harry Martin. Incumbent's commission expires March 31, 1902.

Charles T. Ramsdell, to be postmaster at Denton, in the county of Denton and State of Texas, in place of Charles T. Ramsdell. Incumbent's commission expires March 31, 1902.

Tom Richards, to be postmaster at Sherman, in the county of Grayson and State of Texas, in place of Tom Richards. Incumbent's commission expires March 22, 1902.

L. S. Calfee, to be postmaster at Pulaski City, in the county of Pulaski and State of Virginia, in place of Columbus L. Dillon. Incumbent's commission expired February 16, 1902.

Charles Earwicker, to be postmaster at New Rochelle, in the county of Westchester and State of New York, in place of James Ross, removed.

Annie H. Leaf, to be postmaster at Fort Washington, in the county of Montgomery and State of Pennsylvania, in place of Frederick Huffnagle, resigned.

W. S. Hoge, to be postmaster at Athens, in the county of McMinn and State of Tennessee, in place of Jacob S. Matthews, deceased.

Ellsworth D. Scheble, to be postmaster at Wenatchee, in the county of Chelan and State of Washington, in place of Francis M. Scheble, removed.

#### APPOINTMENTS IN THE ARMY.

##### *Infantry Arm.*

Robert Lindsay Weeks, of New York, to be second lieutenant, March 7, 1902, vice Paul D. Stockley, Twenty-first Infantry, missing since January 12, 1900.

Albert G. Goodwyn, of Alabama, to be second lieutenant, March 15, 1902.

#### COLLECTOR OF CUSTOMS.

Marshall L. King, of Virginia, to be collector of customs for the district of Alexandria, in the State of Virginia. (Reappointment.)

#### CONFIRMATIONS.

##### *Executive nominations confirmed by the Senate March 19, 1902.*

#### PROMOTION IN THE NAVY.

Capt. Arent Schuyler Crowninshield, United States Navy, to be a rear-admiral in the Navy, from the 16th day of March, 1902.

#### UNITED STATES ATTORNEY.

Carl Rasch, of Montana, to be United States attorney for the district of Montana.

#### REGISTERS OF THE LAND OFFICE.

George B. Winship, of Grand Forks, N. Dak., to be register of the land office at Grand Forks, N. Dak.



Clarence C. Schuyler, of Fargo, N. Dak., to be register of the land office at Fargo, N. Dak.

#### POSTMASTERS.

James Wallace, to be postmaster at Yale, in the county of St. Clair and State of Michigan.

George W. Minchin, to be postmaster at Evart, in the county of Osceola and State of Michigan.

Herbert E. Becktel, to be postmaster at Albion, in the county of Noble and State of Indiana.

William H. Shaw, to be postmaster at Canton, in the county of Fulton and State of Illinois.

George E. Hilton, to be postmaster at Fremont, in the county of Newaygo and State of Michigan.

Thaddeus B. Bailey, to be postmaster at Manchester, in the county of Washtenaw and State of Michigan.

Richard J. Bawden, to be postmaster at Bessemer, in the county of Gogebic and State of Michigan.

Richard B. Lang, to be postmaster at Houghton, in the county of Houghton and State of Michigan.

Hugh B. Laing, to be postmaster at Gladstone, in the county of Delta and State of Michigan.

Fred A. Hatty, to be postmaster at Grand Haven, in the county of Ottawa and State of Michigan.

Ramsay Arthur, to be postmaster at Schoolcraft, in the county of Kalamazoo and State of Michigan.

Kimbal R. Smith, to be postmaster at Ionia, in the county of Ionia and State of Michigan.

Willard Harwood, to be postmaster at Imlay City, in the county of Lapeer and State of Michigan.

George W. Noble, to be postmaster at Buchanan, in the county of Berrien and State of Michigan.

George W. Emery, to be postmaster at Hancock, in the county of Houghton and State of Michigan.

George L. Lusk, to be postmaster at West Bay City, in the county of Bay and State of Michigan.

George W. Dennis, to be postmaster at Leslie, in the county of Ingham and State of Michigan.

Andrew L. Deuel, to be postmaster at Harbor Springs, in the county of Emmet and State of Michigan.

Daniel P. McMullen, to be postmaster at Cheboygan, in the county of Cheboygan and State of Michigan.

Will P. McCoy, to be postmaster at Mendon, in the county of St. Joseph and State of Michigan.

Clayton L. Bailey, to be postmaster at Mancelona, in the county of Antrim and State of Michigan.

Charles W. Browne, to be postmaster at Mason, in the county of Ingham and State of Michigan.

Nathan Tanner, to be postmaster at Lansford, in the county of Carbon and State of Pennsylvania.

Gorham A. Sherwood, to be postmaster at Otsego, in the county of Allegan and State of Michigan.

Charles Brebner, to be postmaster at Newberry, in the county of Luce and State of Michigan.

James Blanning, to be postmaster at Williamstown, in the county of Dauphin and State of Pennsylvania.

C. A. Wishart, to be postmaster at Dunbar, in the county of Fayette and State of Pennsylvania.

Francis E. Harrison, to be postmaster at Ridley Park, in the county of Delaware and State of Pennsylvania.

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 19, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

#### REPRINT OF A BILL.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent for the reprint of House bill 84.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the reprint of House bill 84.

Mr. RICHARDSON of Tennessee. I would like to know the title of the bill, Mr. Speaker.

Mr. ADAMS. It is for the reorganization of the consular and diplomatic service of the United States. The print is exhausted.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered.

#### ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I desire to give notice to the House that immediately following the disposition of the river and harbor bill there will be called up for consideration in the House the privileged reports from the Committee on Elections No. 1 of the cases of Spears against Burnett and Moss against Rhea, except

that they will not be called upon Friday to interfere with the Friday Calendar.

#### RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12346, the river and harbor appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair, for the further consideration of the river and harbor appropriation bill.

Mr. RANDELL of Louisiana. Mr. Chairman, the distinguished chairman of the River and Harbor Committee said in his presentation of the bill that there had been a great deal of misapprehension—not to use the stronger term, misrepresentation—about many matters connected with this river and harbor bill. Now, sir, if there be any one subject about which there is misapprehension, and to some extent misrepresentation, it is in regard to the Mississippi River, and especially that portion which I have the honor to represent on this committee, the lower part, from Cairo to the Gulf.

Mr. Chairman, I do not believe the average member of this House fully contemplates how important is the Mississippi River, and how vastly important is that portion which we know as the overflowed region. In order to give you some little idea of the vast importance of that mighty stream, well called the Father of Waters, I wish to read very briefly from an article on the subject by Maj. J. A. Ockerson, member of the Mississippi River Commission. He says:

The Mississippi River is a commercial highway of immense value. It penetrates the heart of the most fertile section of the Union for a distance of about 2,500 miles. Its navigable tributaries, aggregating over 15,000 miles in length, reach out in all directions toward the remote limits of this great valley. It drains a territory whose area equals in extent the combined area of Austria, Germany, France, Italy, Portugal, Spain, Norway, and Great Britain. The river itself, in its winding course, covers a range of 6½ degrees in longitude and 18½ degrees in latitude. The headwaters of the tributaries extend in longitude from New York on the east to western Montana on the west, and reach in latitude from British America on the north to the Gulf of Mexico on the south, or about 1,800 miles in longitude and 1,500 miles in latitude. This vast drainage area, 1,256,000 square miles in extent, is equal to nearly one-half of the total area of the United States. It touches 30 States, 2 Territories and 2 provinces of the British possessions. Only 9 States to the eastward and 7 to the westward lie entirely beyond the confines of this great basin.

Those remarks, gentlemen, are applicable to the drainage basin; but what I wish to speak to you particularly about is the overflowed area of that great river, which amounts to 30,000 square miles. Now, you may say "30,000 square miles does not convey a very definite idea." We know things in this life by comparison. When we reflect that Belgium, one of the important kingdoms of this world, contains only 11,373 square miles, and supports six and a half million people; when we further reflect that the Netherlands, another of this earth's important kingdoms, consists of only 12,648 square miles and has over 5,000,000 inhabitants, and that these two kingdoms united have only 24,000 square miles with about 11,000,000 people—6,000 square miles less than the overflowed region of this mighty river—it conveys some idea of its magnitude.

When, sir, we reflect further that the great State of Massachusetts, so ably represented on this committee, contains only 8,315 square miles; Rhode Island, 1,250; New Jersey, 7,815, and Maryland, 12,210, or a total of 29,550—still less than the overflowed area of the Mississippi—this also conveys some idea of its magnitude.

Why, sir, what would we think if we should arise some morning and read in the papers that the Connecticut River had overflowed its banks and that the entire State of Massachusetts was submerged? We would be filled with horror and surprise. And yet the entire area of that State is only about one-fourth of the overflowed area of the Mississippi. We would be filled with additional horror and surprise if the papers also told us that the Delaware River had overflowed the entire State of New Jersey and the Potomac River had overflowed the entire State of Maryland. Yet, gentlemen, when the Mississippi River overflows and its flood area is submerged, it is an area greater in extent than these four great States combined—greater in extent than the two kingdoms of Belgium and the Netherlands together.

If this area, which is as rich as the valley of the Nile, richer than any other portion of this continent, had a population as numerous as the population of Belgium, 535 souls to the square mile, it would contain fully 15,000,000 people. See what a mighty empire it would be, how vastly important, and how well worthy of and entitled to Government assistance.

Now, what has the General Government done for the improvement of the levee system along this river? I take from the report of the Senate Commerce Committee on the Mississippi River floods, page 9, this statement, which was prepared by Captain Waterman, secretary Mississippi River Commission, under the



direction of General Gillespie, the president of that Commission. It shows that the "total yardage of levees constructed by Federal, State, local, and private authority is 164,860,375 yards, built at a cost of \$47,631,503, of which yardage 68,570,461 were constructed by Federal authority at a cost of \$13,320,708, and 86,289,944 yards by State, local, and private authority, at a cost of \$34,310,795."

Since this report was prepared the General Government has expended on levees \$3,333,000, making a total expenditure by the National Government for levees of \$16,653,609; and since that time the States and riparian landowners have expended more—I have not the exact figures, but they have spent more—making by computation the total amount expended by the States and riparian landowners at least \$37,643,795, or a total cost for the levees of \$54,297,404.

Now, I wish to impress upon every member of the committee the fact that for every dollar spent by the National Government in building levees on the Mississippi River the States of Louisiana, Mississippi, and Arkansas have expended two and one-quarter dollars. We are not coming here empty handed and asking for aid. We are helping ourselves, and doing it in a most vigorous manner. The levee interests along the banks of this river are in the hands of levee boards, and these levee boards and the States of Louisiana, Arkansas, and Mississippi actually collect annually a levee tax of \$2,130,000. So you see that we do not come to you empty handed, but we are contributing cheerfully and enormously from our own means. It has been said by a great many that the Government has been contributing one-half of the amount expended upon the levees. I tell you, Mr. Chairman, the Government has not been contributing one-half toward this improvement. We have contributed for our own protection two and one-quarter dollars for every dollar the Government has put up, and we are paying more and more every year. We are paying an immense amount of local taxes, and I say we are paying more and more for the reason that our lands are enhancing so much in value because of this levee protection and the consequent increase in crops and the general development of the valley.

Now, I have told you that it has cost thus far to build the levees something like \$54,000,000. You, perhaps, would like to know what it would cost to complete the levee system. According to the report of the Mississippi River Commission the entire cost of completing the levees on this river will be about \$18,000,000. The National Government for some time has been spending, through this Commission, something like \$1,000,000 to \$1,250,000 annually, and the riparian lands and States about \$1,250,000 to \$1,500,000. So you see that in a few years—perhaps eight, at the outside—the levee system will be complete and perfect. There will be no gaps in the system from Cape Girardeau, Mo., to the passes on the Gulf of Mexico. It has been a long lane, but we are about at the end of it. We can see daylight.

In thinking of the levee system along the Mississippi River I am tempted to refer to levee systems on other great rivers. There are other rivers in the world which require levees besides the Mississippi, notably the Yellow River, in China. I find it very difficult to obtain any information about that great river. It is very difficult to get anything accurate on the subject. A great many books have been written about China, but none of the authors seem to know definitely what has been done by the Government and what by the local authorities in the matter of improving that mighty stream, which they tell us was leveed from one end to the other two thousand years before the Christian era, and which some of them tell us occasionally breaks over its banks, overflows thousands and thousands of square miles, and destroys millions of people. One author says that in the flood of 1887 7,000,000 people were drowned by the floods of the Yellow River. This almost surpasses human belief, but he tells us it is true. I wrote to Mr. Wu, the Chinese minister, asking him for information on these subjects, and here is what he says:

Prior to the Taiping rebellion, which lasted from 1850 to 1864, the Imperial Government used to appropriate from 6,000,000 to 8,000,000 taels a year for the expense of maintaining and repairing the Hwang Ho levees.

A tael, as you probably know, is \$1.03 of our money. Think of it, six to eight million taels per annum for maintaining levees on the Hwang Ho River. He continues:

Since then the annual expense of maintaining and effecting ordinary repairs has been borne by authorities of the riparian provinces, while now and then for extraordinary repairs, occasioned by unusual floods and requiring large sums of money, the Imperial Government is called upon for necessary appropriation. The amounts thus appropriated vary according to the extent of damage done and the repairs to be effected. The conservation of the river is under the charge of the director-general of the Yellow River, who is assisted in this work by the governors of the provinces of Honan and Shantung. There is no special tax on the riparian lands of the river for conservation purposes.

I also wrote to Baron Gevers, minister for the Netherlands, in order to ascertain something about the cost and methods of keeping up the levees on the Rhine, and here is what he writes. In discussing the rivers generally, he says:

The "waterstaat" in general means the care for the construction and maintenance of every description of river works, dikes, etc.

The constitution makes a distinction between the general waterstaat and the special (or more clearly termed) waterstaat. The latter concerns more particularly the draining and protection of low lands from the encroachments of inland waters, and the expenses are covered by the so-called "polderlasten," a tax levied from the owners of the lands benefited. The special waterstaat is under control and supervision of the provincial administration.

As to the general waterstaat, which I believe interests you most, I can say in general that it concerns only the great rivers and principal waterways and the keeping thereof in a safe and proper condition for the protection of the country at large.

The general waterstaat is entirely under the control of the Government, which defrays all expenses out of the national revenue.

So you see, Mr. Chairman, that on these two great rivers, the Yellow River of China and the Rhine of Holland, the expenses are at least to a very great extent borne by the General Government.

Perhaps some one will ask the question, Why should Congress build levees? What right has the United States to spend the public money for building levees to protect the lands along the banks of this river? This is a very pertinent question, and if you will bear with me a few moments I think I can show you why it should be done. In the first place, it is the duty of Congress to promote commerce between the several States and Territories. Now, whatever is beneficial, necessary, and advantageous in promoting commerce is a proper thing for Congress to do. Commerce is very much benefited on the Mississippi River by the construction of levees. In order to prove that I desire you to bear with me and hear what some of the most eminent engineers of the United States have to say on that subject, and also what Judge Robert S. Taylor, of Indiana, member of the Mississippi River Commission and one of the ablest and best citizens of the United States, has to say on it. I read first the opinion of Maj. Smith S. Leach, of the United States Army. He says:

What nature has failed to do and what remains for man to accomplish in order to fit the Mississippi River to his wants and uses is summed up in the one word "control." Guide the current as a skillful workman guides his tools and it will not fail to carve out a channel commensurate in size with the magnificent agency employed and worthy of the greatest of rivers traversing and draining the most fruitful and prosperous of countries. To secure the greatest possible improvement of a channel it is necessary that the greatest attainable volume of water be made to flow through the channel. That this condition is not realized when a large volume of water is escaping over the sides needs but to be stated in order to be conceded.

Col. Charles R. Suter, one of the greatest of our engineers, was a witness before the Senate Commerce Committee several years ago, and being questioned in regard to the building of levees on the Mississippi River, had this to say:

Questioned by Senator GIBSON. You stated a moment ago, in reply to a question by the Chairman, that if you were improving the Mississippi River, even if it were running through a wilderness, if the country through which it ran was not peopled, you would still build levees on the banks.

Colonel SUTER. Yes, sir.

Senator GIBSON. Why do you hold this opinion?

Colonel SUTER. Because I consider that the improvement of the stream for navigable purposes without it is impossible.

The CHAIRMAN. Why?

Colonel SUTER. I think you have got to retain control over the whole volume of water. The discharge which passes within the banks is less than half of the flood discharge of the river, and the low-water discharge is only one-tenth of that which passes within the banks, about one-twentieth of the total discharge, and any works that you can put in to control the low-water flow on a stream like the Mississippi are liable to be utterly destroyed and rendered nugatory by this vastly larger volume of water which passes down the river during flood stages. At this season of the year the cut-offs occur, which will upset any plan of improvement, because they change entirely the regimen of the river, its course, its slopes, and everything about it.

Again, the water being over the works and everything else has a chance to develop new channels precisely where you do not want them to occur. A still further effect is produced where the levees are down: the water that goes over the banks keeps going out and coming back again. Whenever it makes its appearance in the river it acts like a tributary. It produces entirely new phases, just as any tributary will. Sometimes it entirely reverses the conditions of flow. The influence that levees exert under these heads I believe I have stated as conservative. They prevent the river from doing damage to the works we put in to improve the low-water discharge of the stream.

The CHAIRMAN. If there was no question about protecting the land, and you were simply improving the Mississippi River for navigation, would you have built the levees that are now built?

Colonel SUTER. Yes, sir.

The CHAIRMAN. You say you would?

Colonel SUTER. Yes, sir.

The CHAIRMAN. So that, regardless of the question of landowners, you say that this Commission has done none too much toward levee building?

Colonel SUTER. That is my opinion.

Capt. Dan C. Kingman, United States engineer, another witness, testified as follows:

The CHAIRMAN. Suppose you drop all considerations of overflows and regard navigation alone, how then?

Captain KINGMAN. I should consider that the levee is a very important means of improving navigation, and I can give an instance. The Morganza crevasse was caused by a break that occurred in 1874. It remained open as a crevasse practically until closed in the winter of 1886 and 1887, a period of about twelve years. It has a deep bend there and plenty of water, and there had been no trouble with the navigation until after the crevasse was formed. After the crevasse occurred the navigation became worse and worse, and steamboat men told me they hated to run that bend at night, particularly in low water, not when the water was running out. When the water was running out there would seem to be danger of being drawn into the crevasse. The steamboat men dreaded it at low water because the sand bar or tongue of land opposite this bend had extended so far over into the bend that there was hardly room enough for two large steamboats to pass there. The crevasse was closed jointly by the commission and by the State in the winter of



1886 and 1887. Since then the navigation has steadily improved until now it is as good as it ever was. The current is quite regular. There is ample room now, and steamboat men have spoken to me repeatedly this year about the great improvement which has taken place in Morganza Bend since the crevasse has been closed. There is an actual case where the building of a levee made bad navigation good.

Judge R. S. Taylor, a witness before the Rivers and Harbors Committee during the present session, was asked his opinion about the benefit of levees to the navigation of the river. He replied:

I think that the improvement of the river channel for navigation, its perfect and final improvement, requires the control of the flood discharge as well as the low-water discharge, that the Mississippi River makes its own channel and makes it a good channel or a poor channel, according to the amount of water that flows in it. It is a better river now for navigation than the Arkansas River, because it is bigger and for no other reason. The inclosure of the flood water in the channel makes the river larger. It sets at work a greater amount of energy in the scouring-out process, scouring out the channel, and making the river throughout its length a river of larger average size, capable of doing more work and capable of keeping open a better channel.

Our experiments made some years ago all pointed to that result. In the early part of this work we made repeated surveys at points where there have been old crevasses. Some crevasses have remained open for ten years. When we made surveys of the channel 4 miles above and below and then closed the crevasses and then made another survey over the same stretch of river, we always found that the river had improved by the closure of the crevasse, improved in some cases as much as 15 per cent. Many experiments of that kind were made.

Questioned by the chairman:

I would like to ask if this expresses your views on the subject of levees: "While it is not claimed that levees in themselves are necessary as a means of securing ultimately a deeper channel for navigation, it is believed that the repair and maintenance of the extensive levees already existing will hasten the work of channel improvement through the increasing scour and depth of the river bed which they will produce during the high-river stages. They are regarded as a desirable, although not a necessary adjunct to the general system of improvement submitted."

Mr. TAYLOR. I think that is true. I think that has always been the opinion of a majority of the Commission, and in most of its history the opinion of all of them. That subject has not been much discussed in the Commission in recent years. It has been regarded as settled, and there has been but little discussion about it in recent years.

My own judgment about the matter is that the contribution made by the Government to the construction and repair of those levees is a proper thing for the Government to do independent of its connection with the navigation of the river. The lower plane of the Mississippi River is an exceptional area of land. It is a great drain through which the surplus waters of the whole northern Mississippi Valley go. The progress of civilization, the clearing up of those lands in the upper valley, the denuding of the forests, the draining of swamps, have all contributed to throw upon that lower channel a volume of water which has made its control very much harder than it would have been except for those improvements in the north.

The improvements in the upper part of the valley have thrown upon that part of the river a burden, an enormous burden, for the benefit of the lands that lie above, a burden that those people could not of themselves carry. I believe that if the Mississippi River Commission had not come in to the aid of the people in 1882, that most of those levees would have been unbuilt to-day. When the first allotment of money was made for the repair of levees the country had just suffered from the vast flood of 1882. It was absolutely lying waste, the people were without means, and without any possibility of restoring their levee system. The contributions by the Government gave the people courage, they took hold and issued bonds, mortgaged their lands, and made contributions, and the existing system to-day is the result. I think it could not have come into existence by the unaided efforts of those people, and I think now we are in sight of the time when, in consequence of that aid, they will be able to take care of themselves.

Now, Mr. Chairman, if I desired to take up the time of the committee I could repeat much testimony similar to this. The late Maj. Henry C. Flad, of St. Louis, one of the most eminent civil engineers in the United States, held to this opinion. He was for years a member of the Mississippi River Commission and thoroughly familiar with that river. Maj. B. M. Harrod, of New Orleans, also a very able civil engineer and a member of the Mississippi River Commission since its creation, in 1879, had the same view of this subject and still holds it. Mr. Eads, probably the greatest civil engineer this country ever produced, the man who conceived and carried out successfully the idea of improving the South Pass of the Mississippi River by means of the jetties, held to this view. The Mississippi River Commission, which was appointed in 1879 for the special purpose of improving the Mississippi River for the purposes of navigation, for commerce, and for all problems connected with that river, have for many years held to the same opinion—at least the majority of the Commission have.

So I say to you that when Congress spends money to build levees on the Mississippi River, it spends money to promote the navigation of that river and to benefit its commerce, and when it does that it acts in strict accordance with the Constitution of the United States.

I find, moreover, that there is other authority in the Constitution for the expenditure of money in the building of levees. The Constitution provides that Congress shall make all needful rules and regulations respecting the property of the United States, and I assert here, without fear of contradiction, that the Mississippi River is the property of the United States. It does not belong to the States through which it runs; it belongs to the whole Union. It is a grand highway for the use and benefit of every citizen of the country. The necessity for the control of this great national highway caused us to make the Louisiana purchase in 1803. That was the main inducing cause which influenced Mr. Jefferson and

the Congress of the United States to purchase Louisiana from France. Our States in the great West bordering on this river found it necessary to get their commerce to the sea through this water channel. They could not do it successfully, because the mouth of the river was controlled by a foreign power; hence we were compelled to acquire it.

When the States of Louisiana, Arkansas, and Missouri were admitted into the Union, it was under the proviso that they should not interfere in any manner whatsoever with the free navigation of the Mississippi River and its tributaries; that that great river and its tributaries, and also the rivers in those States which flow into the Gulf, should be forever free for the use and enjoyment of every citizen of the Union, and those States came into the Union with that proviso.

Now, Mr. Chairman, if this river is the property of the Government, and it is invested with its control, why should it not build levees and control it? Why should it be allowed to spread over the country, destroying millions of dollars worth of property? If you are the owner of some vicious beast, it is your duty to confine the animal and not let it run wild and destroy everyone with whom it comes in contact. The National Government owns the Mississippi River, and it is its duty to control it and keep it from committing this terrible devastation to so many people in the valley.

The Constitution of the United States also provides that Congress shall establish post-offices and post-roads. In the valley of the Mississippi thousands of post-offices have been established, and a perfect network of post-roads. Now, will any sane man claim that it is not the duty of Congress, after establishing these post-offices and post-roads, to pass all needful rules and regulations for their control and management and for keeping them in a suitable condition for use? We have a number of penal statutes on the subject of interference with the United States mails.

Suppose that the most obscure post-office in the State of Massachusetts were interfered with by a band of robbers, if we can imagine such a thing about that enlightened Commonwealth, and that it was necessary to send General Miles with every soldier of the United States to that obscure locality to protect the mail. Would we not send them instantly? Would we not spend millions of money, if necessary, to protect the mails and prevent them from being interfered with? Certainly we would, in any individual case.

Now, Mr. Chairman, if we would do that in the individual case, why not protect the post-offices and post-roads of this great Mississippi Valley, many of which are 50 to 75 miles from the banks of the river, post-offices and post-roads which have no connection with the river, but which are in its overflowed area and which, when the river breaks out of its banks and floods the country, are entirely inundated, the waters sweeping over the face of the earth from 5 to 15 feet deep, so that there is absolutely no ingress or egress over the ordinary dirt roads and the railroads of the country, and no way to get about except in skiffs. Is it not the duty of Congress, I say, to protect the post-offices and post-roads of that great valley? Unquestionably it is. So that even if it were not necessary to promote the ordinary commerce and navigation of the river, it would be our duty to spend this money for the purpose of protecting the inhabitants of the valley for whom we have established these post-offices and post-roads.

We also find warrant for national aid to levees in the general-welfare clause of the Constitution, for while the overflowed region of this valley does not directly concern the people of the entire Union, it does indirectly. The area subject to floods below Cairo is an important portion of the States of Louisiana, Mississippi, Arkansas, Tennessee, Kentucky, and Missouri. Hence these six great Commonwealths have a very direct and abiding interest in the protection of their domain, and they form such a large part of our national body politic as to entitle what concerns them to serious national consideration. Moreover, the large population of the flooded region, with their innumerable farms, factories, railroads, and business enterprises of every kind, are so closely connected in social and commercial relations with every other part of the United States that they can not be subjected to the greatest distress and ruin without a resultant injury to the people of very many other sections. Hence it would seem the part of wisdom to protect them in order to promote the general welfare of the Union.

Mr. GAINES of Tennessee. If the gentleman will permit me to interrupt him, I would like to ask him this: Have you ever estimated, or do you know of anyone who has ever estimated, and if so, I should like the gentleman to give it, as to the amount of water poured into the Mississippi by reason of the snows that gather up in the Rocky Mountains and out in the far West and melt?

Mr. RANDELL of Louisiana. I have never heard of any estimate of that, but the best authorities say that our floods do not come from the Upper Mississippi and Missouri, and that we get



only about one-third of our dangerous floods from those rivers. The main damage done to us by floods comes from the waters of the Ohio and its great tributaries, the Tennessee and the Cumberland.

Mr. GAINES of Tennessee. I have been informed that when the Tennessee overflows the Mississippi overflows.

Mr. RANDELL of Louisiana. That is very nearly true.

Mr. GAINES of Tennessee. The reason why I asked that question was that the friends of irrigation out in the West say that if the water from the melting snows that fall out West were caught in irrigation reservoirs that it would very much lessen the overflow of the Mississippi River; and they make that a great point in favor of having irrigation in the West.

Mr. RANDELL of Louisiana. I believe there is something in their statement; but, as I have already stated, the estimate of the best authorities on that subject is that we only get about one-third of our flood water from that region. Now, if the reservoirs could retain a large portion of that one-third it would lessen the destruction from overflow to that extent.

Mr. GAINES of Tennessee. A great deal of the flood comes down in the Missouri from the melting snows.

Mr. RICHARDSON of Alabama. Will the gentleman permit me to ask him this question. Do you not think the establishment of the Appalachian forest reservation would be a very great deal of benefit in checking the overflow of the Tennessee and the Ohio rivers?

Mr. GAINES of Tennessee. That is rather a Yankee answer. I really do not know about that. The gentleman from Louisiana [Mr. RANDELL] speaks with so much clearness and knowledge of the subject, I was in hopes he could answer the question I had asked him; and if the gentleman from Alabama can, I should be very glad for him to answer it.

Mr. RICHARDSON of Alabama. They claim that that would be the effect of establishing the Appalachian forest reserve embracing portions of Georgia, portions of North Carolina, Tennessee and Alabama.

Mr. RANDELL of Louisiana. Mr. Chairman, I yielded for a question, but not for a discussion.

Proceeding with my remarks, I wish to read, before finishing this branch of the subject, a brief special message which was sent to Congress on April 17, 1882, by one of the greatest Republicans who ever occupied the Presidential chair of the United States, Mr. Chester A. Arthur. He says:

*To the Senate and House of Representatives:*

I transmit herewith a letter dated the 29th ultimo, from the Secretary of War, inclosing copy of a communication from the Mississippi River Commission, in which the Commission recommends that an appropriation may be made of \$1,010,000 for "closing existing gaps in levees," in addition to the like sum for which an estimate has already been submitted.

The subject is one of such importance that I deem it proper to recommend early and favorable consideration of the recommendations of the Commission. Having possession of and jurisdiction over the river, Congress, with a view of improving its navigation and protecting the people of the valley from floods, has for years caused surveys of the river to be made, for the purpose of acquiring knowledge of the laws that control it, and of its phenomena. By act approved June 28, 1879, the Mississippi River Commission was created, composed of able engineers. Section 4 of the act provides that "it shall be the duty of said Commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel, and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service."

The constitutionality of a law making appropriations in aid of these objects can not be questioned. While the report of the Commission submitted and the plans proposed for the river's improvement seem justified as well on scientific principles as by experience and the approval of the people most interested, I desire to leave it to the judgment of Congress to decide upon the best plan for the permanent and complete improvement of the navigation of the river and for the protection of the valley.

The immense losses and widespread suffering of the people dwelling near the river induce me to urge upon Congress the propriety of not only making an appropriation to close the gaps in the levees occasioned by the recent floods, as recommended by the Commission, but that Congress should inaugurate measures for the permanent improvement of the navigation of the river and security of the valley. It may be that such a system of improvement would, as it progressed, require the appropriation of twenty or thirty millions of dollars. Even such an expenditure, extending as it must over several years, can not be regarded as extravagant in view of the immense interest involved. The safe and convenient navigation of the Mississippi is a matter of concern to all sections of the country, but to the Northwest, with its immense harvests, needing cheap transportation to the sea, and to the inhabitants of the river valley, whose lives and property depend upon the proper construction of the safeguards which protect them from the floods, it is of vital importance that a well-matured and comprehensive plan for improvement should be put into operation with as little delay as possible. The cotton product of the region subject to the devastating floods is a source of wealth to the nation and of great importance to keeping the balances of trade in our favor.

That balance, gentlemen, which now amounts to and for several years has amounted to between six and seven hundred million dollars per annum.

It may not be inopportune to mention that this Government has imposed and collected some seventy millions of dollars by a tax on cotton, in the production of which the population of the Lower Mississippi is largely engaged, and it does not seem inequitable to return a portion of this tax to those who contributed it, particularly as such an action will also result in an important gain to the country at large, and especially so to the great and rich States of the Northwest and the Mississippi Valley.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, April 17, 1882.

I was very much surprised on yesterday, Mr. Chairman, to hear the distinguished gentleman from Iowa [Mr. HEPBURN], who usually attacks the river and harbor bill, make this statement:

I am sorry that the committee have not extended their inquiries with the same minuteness to the Mississippi River and its improvement. They do not tell us just what has been expended upon this great stream, and yet I remember a few years ago, when I last investigated, we had already spent \$35,000,000 upon improvement of the navigation (so called) of the Mississippi River. I think it largely exceeds up to this date \$100,000,000, and except that the jetties—a wise improvement, markedly beneficial—except for them no man can show that there has been one iota of improvement in the channel that is to be navigated of that great stream.

I remember that a few years ago the President of the United States congratulated this Congress in a message upon the achievements of the Mississippi River Commission. As I now recollect, he stated that the Commission in the improvement of the channel at that time expended \$19,000,000, and at Plumb Point, perhaps it was, they had secured an increased depth of 1½ inches, and, on another reach, something slightly in excess of 2 inches. I am glad to know that, with reference to this body, the committee has taken the back track, and they now insist that all the expenditures of this Commission shall first be revised by the Secretary of War and by the Chief of Engineers, a step in the right direction, and a step I hope to be followed by others until the progression shall annihilate this useless adornment to our Blue Book, as they have the Missouri Commission.

I tell you, gentlemen, that while we have been making this expenditure, all the time the commerce on these streams has been diminishing, and is now next to nothing.

Now, I am sure the distinguished gentleman would not willfully misrepresent facts. I can not conceive for a moment that he intended to misrepresent the facts when he made that statement. But he surely has not stated them in regard to the commerce of this river. I have taken the pains to examine the reports of the United States supervising inspectors of steam vessels, and they show that on the Mississippi River below Cairo to-day there are 31 per cent more steam vessels in operation than in 1896, and 30 per cent more than in 1881. Does this look like the commerce of that river has diminished—an increase of steam vessels amounting to 30 per cent in twenty years? Is there a decrease in that?

Mr. HEPBURN. Will the gentleman allow an interruption?

Mr. RANDELL of Louisiana. Certainly.

Mr. HEPBURN. Is that an increase in number or increase in tonnage?

Mr. RANDELL of Louisiana. Increase in tonnage. I would like to add for the information of the gentleman that that does not include the tonnage of the barges—that is the increase in tonnage of the steam vessels. Now, the gentleman from Iowa tells you that the navigation on that river, or the commerce on that river, amounts to nothing. I wish to show to you, by way of illustration, that the city of Memphis has nine steamboat lines or trades—nine lines of steamers—which do a very large and growing river commerce; and what is true of Memphis is relatively true of the other principal cities on the river, Helena, Greenville, Vicksburg, Natchez, Baton Rouge, and New Orleans. There is a great and steadily growing river commerce between Cairo and New Orleans. Commercial statistics of the Mississippi River, prepared by Capt. J. W. Bryant, of New Orleans, a recognized and most reliable authority, show that for the year ending May 31, 1899, there were plying on its waters, between Cairo and New Orleans, 189 steamboats and 1,635 barges, having a net tonnage of 1,471,128 tons, and that the amount of freight carried was 4,708,355 tons, valued at \$94,605,762. (See *Riparian Lands of the Mississippi River*, by Tompkins, page 274.) This is exclusive of the coastwise and foreign commerce of the port of New Orleans. How any fair-minded man can say that the "commerce on this river has been diminishing and is now next to nothing," when the real truth is that it has grown over 30 per cent in the past twenty years, and amounted three years ago to the princely sum of nearly one hundred millions, is an enigma to me.

The gentleman from Iowa also stated, as I have just read to you, that a President of the United States in a message to Congress said that after the river commission had expended \$19,000,000 there was an increase at Plumb Point Reach of 1½ inches and an increase of 2 inches in depth at some other reach, the name of which he did not remember.

Mr. Chairman, that question came before the Rivers and Harbors Committee in the recent hearings that we had for the purpose of framing this bill. We had before us General Gillespie, Chief of Engineers, and the late president of the Mississippi River Commission. We asked him about Plumb Point Reach, and what had been the effect of the expenditure of money thereon, and his answer is on record in the committee room if any member wishes to see it. He said that when the improvement began, the channel depth over Plumb Point Reach was only 4 to 5 feet, and as a result of that improvement, it increased between 4 and 5 feet, giving a total depth of about 9 feet, and has been 9 feet and over for years; and that for years and years since that improvement began, the steamers never cast a lead on Plumb Point Reach.

The other reach, which the gentleman did not remember, is that known as Lake Providence. I happen to live in the town of Lake Providence, and know something about that reach. I



know that when I became a resident of the town in the fall of 1882 there was practically no low-water navigation in the river on that reach. I know that often during the low-water season I have seen as many as two or three of the magnificent Anchor Line and other large boats stuck on a sand bar in Lake Providence Reach. Shortly after that the work of the Mississippi River Commission began, and for the past twelve or fifteen years, I have never seen a steamboat aground in the channel of that reach. General Gillespie also testified in regard to this reach that the navigation had been improved until it is now at least 9 feet.

Mr. HEPBURN. Will the gentleman allow an interruption at this point?

Mr. RANDELL of Louisiana. Yes.

Mr. HEPBURN. I would like to know if there are any steamers such as compose the great Anchor Line now on the Mississippi River?

Mr. RANDELL of Louisiana. Yes, sir. There are three of the original Anchor Line boats still on the river—the *Hill City*, the largest of all of them; the *City of St. Louis*, the next largest, and another whose name has been changed to *Chalmette*. In the Memphis trade are the *Robert E. Lee*, the *James Lee*, the *Kate Adams*, and the *Devey*, all magnificent side-wheel steamers that cost about \$90,000 each. They are not quite as large as the steamers of the Anchor Line, but as fine boats, and do a large freight, passenger, and mail business.

And I wish to say to the gentleman that the Ohio River boats, I am reliably informed, are larger, faster, finer, and more numerous to-day than ever in the history of the river, and many of those Ohio River boats also ply on the Mississippi River.

Replying further in regard to the navigation of the river below Cairo, I quote as follows from the report of the Mississippi River Commission, made through the Chief of Engineers (see Supplement to Engineer's Report for 1901, p. 10), which reads:

It may be stated that on no bar between Cairo and the Head of the Passes was there at any time during the low-water season of 1900 a channel depth of less than 10½ feet.

This is the latest official report on the river, and it shows a wonderful improvement since the Commission began operations about twenty years ago, when there were many shoal places having less than 5 feet and impassable for steamboats.

Just a word, Mr. Chairman, in regard to the common fallacy that levees cause the bed of a sediment-bearing river to rise and finally become as high as the level of the adjacent country. Some writers state that this is a fact in regard to the Yellow River, of China, but the latest and best authority on that subject, Gen. James H. Wilson, in his admirable work on China—*Travels in the Middle Kingdom*—denies emphatically that the bed of that river has risen as high as the adjacent land. Accurate statistics are attainable as to the Rhine and the Po, which have been leveed for a long time. In his testimony before the Senate Commerce Committee, May 12, 1890, Gen. Cyrus B. Comstock, then president of the Mississippi River Commission, and a most accomplished Army engineer, made an elaborate statement on this subject as to the Po, the Rhine, and the Mississippi. In summarizing his remarks he said:

From an examination of the Po and the Rhine it may be concluded that if their beds rise in the leveed portions, which is not entirely certain from the data, it is at so slow a rate as not to be an important factor in the maintenance of a levee system. On the Mississippi the records, while not extending over a period long enough to give final results, do not, so far as they go, indicate that the bed has risen.

Since 1890 the river gauges, which are most carefully made and preserved every year, fully bear out the conclusions of General Comstock and show that the bed of the river is not rising. They rather indicate a material scouring out of the channel in some places.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEYER of Louisiana. Mr. Chairman, I ask unanimous consent that my colleague be permitted to conclude his remarks.

Mr. RANDELL of Louisiana. I can finish in a few moments.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that his colleague be permitted to conclude his remarks. Is there objection?

Mr. SMALL. I have no objection if it will not interfere with other gentlemen who have been accorded time to speak.

The CHAIRMAN. The Chair will call attention to the fact that the House has ordered that general debate on this bill shall close at 3 o'clock. Is there objection?

A MEMBER. I object.

The CHAIRMAN. Objection is made.

Mr. MEYER of Louisiana. I ask that the gentleman be allowed ten minutes more.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that his colleague on the committee be granted ten minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. RANDELL of Louisiana. Mr. Chairman, I will detain the committee but a few minutes longer. I wish to suggest in regard to the overflow region of the Mississippi Valley one point. I think it is the most magnificent roadbed for railroads in the United States, and some of us here who are not interested in rivers seem to be interested in railroads. I remember well in the mighty flood of 1897, the greatest on record, that the Illinois Central Railroad, which runs from Chicago to New Orleans, and which passes for many miles through the Yazoo delta in the overflow region of the Mississippi Valley, was absolutely shut off and prevented from doing any business—at least that portion of its line was—and I have been informed it suffered a loss at that time of fully \$500,000.

Mr. Chairman, I have stated that this valley is a magnificent bed for railroads. I am assured by the railroad people that the cost of constructing a railroad over the perfectly level plains of this great valley is not more than one-third as much as it is over the places where railroads are ordinarily constructed—the hills and valleys—up hill and down dale of most of the States. I am also assured by practical railroad people that one engine and crew will carry through the valley 60 cars, and that the same engine and crew can haul only from 18 to 20 cars over the uneven country of other sections. Now, what does that mean? If a railroad can be constructed in this valley for one-third of the cost in other places, and operated for one-third of the cost, it means that the freights of the great West and Northwest can be carried to the seaport of New Orleans much cheaper than they can possibly be carried elsewhere, and that the people of the whole Union are interested in preserving the valley from floods.

In conclusion, Mr. Chairman, allow me to say that I think Congress pursued a wise and just policy when many years ago it began the improvement of this great river. There is certainly no river so national in character and no project more important and far-reaching than the improvement of such a river. I sincerely hope that the project will never be abandoned until that whole valley has been protected, and until those courageous people who have done so much for themselves—who have spent \$2.25 for every dollar spent by the General Government—shall have been placed in a position of perfect safety, in such a position that immigration will flow there from all parts of the world, and that we shall speedily have a population of from 15,000,000 to 16,000,000 of thriving, prosperous citizens of these great United States. [Applause.]

Mr. POWERS of Massachusetts. Mr. Chairman, I rise to-day in support of this bill now pending before this committee. For the past one hundred years the American people have been trying to work out the great problem of transportation. During the past seventy years our people have built, equipped, and are now operating 193,000 miles of railroad—enough in length to reach round the globe nearly eight times; and they have invested in that great system of transportation \$11,000,000,000 or one-eighth of the entire property value of the United States.

In 1840—ten years after this system of railroad building commenced—the average rate of carrying a ton of freight 1 mile upon the roads then in operation was 7½ cents. It now appears that last year upon our great railroad system the average cost of hauling a ton of freight 1 mile was three-fourths of 1 cent. In other words, since 1840 the freight rates in this country have gone down from 7½ cents a mile per ton to three-fourths of 1 cent, the cost at present being one-tenth of the cost sixty years ago. Last year these great lines of railroad transportation conveyed 600,000,000 passengers and 1,100,000,000 tons of freight.

Now, while our people have been building up this gigantic system of land transportation we have been building up at the same time a system of merchant marine upon the Great Lakes and rivers of our country. When I state to you, Mr. Chairman, that during the last year there passed through the Detroit River four times as many vessels as passed through the Suez Canal and that they carried a freight three times as great as was carried by the nations of the world through the Suez Canal, you get some idea of the magnitude of our inland commerce and some idea of the greatness of the American people.

The bill before the committee seeks nothing more nor less than to facilitate transportation and at the same time to cheapen freight rates. The freight rates as now charged are so low as to permit the farmer of Illinois and Iowa and Kansas to compete with the farmer of New England. I find that the cost last year of taking a bushel of wheat from the city of Chicago and landing it upon the docks in New York was 5½ cents per bushel; that a ton of freight when taken by waterway from Chicago to New York cost \$1.92; that when it was taken by rail it cost \$4.87. Now, when rates of that kind exist in this country, it is possible for the farmer of Kansas to compete with the farmer of New England.

And this system of transportation is the very thing which to-day is making the inland States great. It is for that reason that those States that do not receive what is called direct benefit ought



not to object to the passage of this bill. For many years past the people of the State of Massachusetts, the State which I have the honor to represent in part, have gone into the West, have built railroads, have spent millions of money for the development of these great lines of transportation, and I maintain that in what we of Massachusetts have done for the building up of the railroads in the West, for the building of steamers to ply upon the lakes from Duluth to Buffalo, we have benefited those people quite as much as they have benefited us by giving us an opportunity for investment.

More than that, Mr. Chairman, the country to-day has become so great that we no longer look at these matters with any local jealousy. No longer do we say that an improvement to the harbor of Galveston is not a direct benefit even to the ports and the cities of New England, for when you undertake to develop transportation which lessens freight rates, you benefit every class of the people. You can not improve the harbor of the city of Boston unless you benefit the farmer in the West, because by improving the harbor of the city of Boston you increase the freight facilities, you cheapen the rates, you make it possible for the farmer of the West to get his products to the seaboard, and from the seaboard into the foreign markets at a cheaper rate, and therefore it is of direct benefit to him.

This country, Mr. Chairman, has become to-day so united, so free from sectionalism, so much interested in the development of the nation, that we no longer hesitate when some great question of national improvement comes up. We shall have before us in a short time a question in which those who represent the far distant Western States are greatly interested. I refer to the question of irrigation. Now, for my part, I believe in a system of irrigation; I believe that the people of the Commonwealth of Massachusetts are broad enough to say that it is a benefit to New England, that that great section of the country in the West should be developed, even though it be developed at some expense to the National Government.

So I hope that in voting for this bill those who represent those inland States in the West will not forget that whatever they do to improve the rivers and harbors of this country they do to improve their own condition in the West, and that with better facilities for transportation will come cheaper rates; with cheaper rates will come greater production, that with the building up of our merchant marine will come greater facilities for transporting the products of the American people, and will enable our people

to consider our interdependence upon each other regarding all questions of legislation, and cultivate that broadmindedness by which we in the East will not forget those in the West, and those who represent the Western States will not forget those States that are upon the seaboard.

I trust, Mr. Chairman, that this bill may go through without any decided opposition. I believe that this Congress has before it great duties to perform. We have already passed the bill which was advocated so strongly here by the very distinguished gentleman from Iowa [Mr. HEPBURN] to build an isthmian canal. We shall be called upon later to take up the question of irrigation. We shall be called upon later to take up the question of ship subsidy. What I ask, Mr. Chairman, is that we shall consider all these propositions, including the proposition that is now before us, with that broad mindedness which is characteristic of the American people and which it is the duty of every Representative to show in the deliberations and the actions of this House. [Applause.]

Mr. LESTER. Mr. Chairman, I desire to yield five minutes to the gentleman from Ohio [Mr. SNOOK] and fifteen minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. SNOOK. Mr. Chairman, I do not desire to discuss any of the provisions of the bill which is now pending before the House, but I desire for a moment or two to call the attention of the House to a bill which was considered by the Senate for the last two weeks and which was adopted by it last Monday. I refer to the bill commonly known as the "ship-subsidy bill," the title of which claims that it is "to provide for ocean mail service between the United States and foreign ports and the common defense; to promote commerce and to encourage the deep-sea fisheries."

One of the objects of this bill, it is claimed, is to promote foreign commerce, and at this time, just before the bill is brought before the House of Representatives, I desire to call the attention of this House to the position of the largest class of exporters in the United States upon this question. In referring to the summary of imports and exports for the year ending December, 1901, I find that the total value of domestic exports for that year amounted to \$1,438,038,990. Of that sum agricultural products amounted to \$940,246,488, or 65.38 per cent of all the exports of this country for the year 1901. I call attention to the following table which gives the amount of domestic exports in detail, and which emphasizes the interest that the farmers of this country have in the export trade:

Exports.	December.				Twelve months ending December—			
	1900.		1901.		1900.		1901.	
	Dollars.	Per cent.	Dollars.	Per cent.	Dollars.	Per cent.	Dollars.	Per cent.
Domestic:								
Products of—								
Agriculture.....	102,455,129	71.10	94,312,042	69.82	904,655,411	62.26	940,246,488	65.38
Manufactures.....	32,468,894	22.54	32,864,499	24.33	441,406,942	30.38	395,144,090	27.48
Mining.....	3,395,805	2.36	2,803,043	2.07	39,222,902	2.70	40,416,597	2.81
Forest.....	4,101,929	2.84	3,790,088	2.76	54,481,146	3.75	50,491,255	3.51
Fisheries.....	1,295,907	.90	1,026,502	.76	8,074,684	.56	7,426,684	.52
Miscellaneous.....	376,784	.26	351,066	.26	5,169,027	.35	4,358,936	.30
Total domestic.....	144,064,448	100	135,087,190	100	1,453,010,112	100	1,438,038,990	100
Foreign:								
Free of duty.....	834,702	46.50	906,436	48.85	12,741,930	51.11	14,366,801	52.63
Dutiable.....	960,721	53.50	949,919	51.15	12,194,071	48.89	12,930,128	47.37
Total foreign.....	1,795,423	100	1,856,405	100	24,936,001	100	27,296,929	100
Total exports.....	145,859,871		136,943,595		1,477,946,113		1,465,335,919	

For several years the farmers have been considering the different measures about to come before Congress which affect their interests, and along with the other measures which have been considered by them is this measure which its advocates claim is needed for the purpose of expanding our foreign commerce. These people, who represent 65 per cent of the total exports of the United States, on the 28th day of September, 1901, adopted the following resolutions, which I desire to read as part of my remarks with reference to this bill and the principles on which it is based:

The principle involved in the ship-subsidy bill before the last Congress has the unanimous opposition of the farmers of the country as expressed by the National Grange and by the master of every State grange in the land. We are in favor of the development of the American merchant marine and of manufacturing, as we are in favor of the development of American agriculture, but are no more in favor of contributing to a few wealthy shipbuilders than we are of contributing to farmers or manufacturers. We have reasons founded on sound principles of statesmanship to oppose a scheme that contributes to the profits of the few at the expense of the many without adequate return. The toiling farmers of the land have developed American agriculture until its products constitute a majority of the exports of the country without Government aid, and we understand that American steamships are already yielding their owners profits in transporting these and other products to all parts of the world without Government subsidies. The farmers of the country ask for no special favors in legislation and oppose in the most vigorous manner such special favors to shipbuilders and owners as are embodied in what is familiarly known as the ship-subsidy bill.

These resolutions clearly state the opinion of that class of individuals who are most largely interested in the subject of foreign commerce, and I take great pleasure in calling the attention of the House to these resolutions, which so clearly state the objections of the farmers of this country to this bill.

Mr. LEWIS of Georgia. Mr. Chairman, it is not my purpose to discuss the pending bill, but I propose instead to discuss our tariff system, a question that has ever been foremost with the American people since the foundation of this Government, and which will continue to be one of the important questions before this people, for the reason that the two great political parties differ very widely in their ideas of the tariff. The theory of the Republican party has been a tariff for protection rather than for revenue, while the Democratic party has advocated a system more for the purpose of revenue than for protection. It is true that the tariff question has at times become dormant, but only to rise again and become one of the foremost questions before the country. We have evidence that this question is now beginning to agitate the people. We hear murmurings, we feel it, we see signs and evidences of it every day. The repeal of the war-tax bill by this House, when the majority denied any amendments, indicated that the question was again becoming important.



The bill now before the Ways and Means Committee, relative to reciprocity with Cuba, also indicates that the question is a live one. The interest that the beet-sugar people of this country are taking in that bill indicates that it is a coming question. But the greatest evidence that it is a live question, and one which is sure to receive the attention of the people, is the fact that a prominent Republican member of the Ways and Means Committee introduced a bill for the repeal of certain tariff taxes, and had the following of some of his party in that committee. Therefore, if this Congress does not pass some legislation looking to the revision of the tariff, it will be for the reason that the Republican majority denies the right of this House to legislate on that subject. It seems to me that the majority of this House are in favor of certain tariff revision, but they are afraid to permit the tariff issues to be presented to the House for consideration; therefore, we have an example of this Congress being afraid of itself. If this Congress is afraid to take any action upon an important question that demands its attention, what will the people of the country say and do and how will they place any further confidence in the dominant political makeup of this Congress?

We, in this country, are to-day occupying the high and enviable position that England occupied seventy years ago when she virtually threw down her tariff walls and opened her trade to all the world. The reason England did that was because she was a great nation, the most powerful nation financially and otherwise that then existed. To-day the United States is undoubtedly the greatest commercial nation in the world. Last year we exported more goods than any other nation in the world, exceeding England in our exports by \$75,000,000 for the year 1901. Our exports for that year were \$1,487,000,000, while our imports were only \$823,000,000, making a difference in trade in favor of this country of \$664,000,000, an amount nearly equal to two-thirds of the total bonded indebtedness of the United States.

I do not say that we should do as England did and adopt free trade, but I do say that we should take liberal action on our tariff question. Our tariff needs a general revision. Many items that are now upon the dutiable list could be put on the free list. A further reason for being able to take an active stand in the revision of our tariff is because of our great financial prosperity. We have more gold in the Treasury vaults than any other nation in the world. We now have \$546,000,000 of gold in the vaults of the Treasury—far more than any other nation in the world. We have the smallest bonded indebtedness of any nation in the world. It is less than \$1,000,000,000, while that of England is five or six times greater, and that of France probably ten or twelve times greater than that. We have in active money in our Treasury to-day \$329,000,000, far more than any other country has.

To show that a high tariff is no longer necessary, we exported in 1901 \$93,000,000 worth of manufactured merchandise in excess over the year before, while our imports of manufactured merchandise fell off \$29,000,000 in 1901, showing that we are now seeking the markets of the world instead of it being necessary to have a tariff wall to protect us against the trade of other countries.

Our tariff system has brought animosity or prejudice on the part of other countries. Many of them have become hostile to us and have legislated specially against the United States. Russia, France, and Austria have had special tariff legislation in retaliation against our present system, and to-day the law-making power of Germany is in session discussing a bill in retaliation, or rather hostile to American exports.

The Western farmers of this country have certainly suffered greatly by reason of our tariff system. Russia has placed hostile laws against our grain and meat products and against the cotton growers of the South by putting an almost prohibitive tariff upon the raw cotton of this country. Yesterday, when the gentleman from Iowa [Mr. HEPBURN] was questioned very closely about protection, as to what he would do in case he should be asked to name a committee on ways and means composed of people who had no protected interests in their districts, he said he did not believe there was a district in this country that was not benefited by a protective tariff.

When he said that I thought of the Western farmer, who is the very bone and sinew of that great section of our country. He not only grows all the food products consumed at home, but he is dependent upon markets across the ocean for the sale of his surplus products. He produces nothing in consequence of which protection can give him any benefit, for instead of buying imported food products he is dependent on the trade of the world for a disposition of his surplus products; therefore, while he gets no protection, or rather it is worthless to him, on his products, at the same time he must pay tribute to the protective tariff system on nearly everything he consumes. What a political advantage that gives to my friends, the Democrats of the Western States, and I thought why do they not go out into that country and talk tariff to these people, the people who have been paying protection prices all their lives while they have never got any benefit from it.

It seems like a farce to read some of the Dingley tariff items for

the supposed benefit of the farmers of the United States. How these Western people have been and are now being hoodwinked I can not understand. Take, for instance, the item of hogs. The tariff on them is \$1.50 a head; on the item of wheat it is 25 cents per bushel, on corn meal 20 cents per bushel, on oats 15 cents a bushel, when, as a matter of fact, none of these commodities are ever brought to this country; but, on the contrary, we are the great exporters of them to all the world. Why, this country produces one-fifth of the wheat consumed by the world. We produce two-thirds of the cotton consumed by the world. Why, to-day in the war between Great Britain and the South African Republics we are largely furnishing the British and Boer armies with their bread.

During the siege of Peking, when the allied armies were in China, we were furnishing largely the foods to support those armies, and at the same time we supplied the cotton goods which the people in China were wearing. We take the wrong view of our tariff system. It seems to be the idea to have all countries customers of ours, yet by an arbitrary tax against other nations deny ourselves the privilege of becoming customers of any other country. In other words, the idea is to have all the balance of the world bankrupt but ourselves. That is not the correct spirit of tariff arrangement that should exist between friendly countries.

Every country should be ambitious for an advantage in trade. We should be rivals, but the contest should be on the broad principle of selling and buying. We must seek trade from all countries, but the time will never come, and should not, when we will not need from various countries of the world goods that we do not produce. More especially should a great country like ours be most liberal. We enjoy a natural blessing that but few countries are favored with. Not only do we produce a great overflow of the necessities of life, which must seek an outlet in foreign markets, but we have reached a high position in manufacturing, and we must look to foreign consumption for a disposition of this surplus. Therefore the high commercial position we enjoy should cause us not to forget that we are interested in the welfare of all countries with which we have dealings of a business nature.

We are a nation seeking trade not only among ourselves, but we invite trade from every land; trade that is reliable and healthy. We want dealings with countries that are prosperous and successful. We can not safely desire any other.

The commerce and trade between two countries is similar to that between individuals.

If a man has something to sell, he will want to get a reliable customer. Take, for instance, the large dry goods firm of the Clafin Company, New York, or of Alfred Fields & Co., of Chicago. Do these large American houses send their drummers out to seek the trade of bankrupt or unfriendly customers? They would send them to the very finest customers, those who would be most friendly to their interests and most reliable in their credits. It is the same with our trade with foreign countries.

I was astonished, Mr. Chairman, when studying this question, to find that of the excess of exports over imports in favor of us of \$664,000,000, \$597,000,000 came from two friendly nations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask unanimous consent that the gentleman be given five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Georgia may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEWIS of Georgia. I was about to say, Mr. Chairman, I found that the balance of trade in favor of us with foreign countries out of \$664,000,000, \$597,000,000 of that balance came from Germany and England, the two most friendly nations, commercially, to ourselves. By retaliation the trade of France has become about a balance with ours. Russia has offending tariff laws against us, and her trade is greatly reduced. Therefore, it is important that we should throw down largely our tariff walls and invite the trade of all lands. I beg to submit a table of our exports and imports with five of the strong countries of the world for 1901, the first two most cordial and friendly in their commercial or tariff legislation, while the three last have passed hostile legislation to offset our tariff laws as against theirs:

	Exports.	Imports.	Excess in favor of us.	Excess against us.
England or United Kingdom*	\$631,000,000	\$143,000,000	\$488,000,000	-----
Germany*	191,000,000	100,000,000	91,000,000	-----
France	78,000,000	75,000,000	3,000,000	-----
Austria-Hungary	7,000,000	10,000,000	-----	\$3,000,000
Russia (European and Asiatic)	9,000,000	10,000,000	-----	1,000,000

\* Total trade balance from these two commercially friendly countries in our favor, \$679,000,000.



Thus making the trade of these commercially unfriendly nations against us \$1,000,000.

The above table but illustrates the wonderful gain and advantages that the United States can have by always having most liberal tax relations with the various countries of the world.

Mr. Chairman, I want to say something about reciprocity, but I will not have time to do that. I do say, however, that I believe that reciprocity is a failure. I believe that a great Government like this should have but one system, one kind of tariff for all countries, and the only time and the only occasion when we should change that would be when some country became hostile to us in their legislation and passed specially unfriendly legislation to us. Then, in place of reciprocity I would substitute retaliation, and retaliate by increasing the tariff against that offending country. But a great nation like ours should deal justly with all alike. I do not believe we should undertake to make a private arrangement here with one country and a private arrangement with another country.

We should not attempt to treat England and Germany, whose purchases are \$597,000,000 in excess of our purchases from them, on worse terms than we would some other country whose trade was far smaller. I think that would be unfair and unjust. I think we should deal honorably and fairly with all and have one rate of tariff. It would be very much like I understand the principle to be in some of the large wholesale and retail houses of this country which have but one price; so that if you were to send an innocent child into that store he could buy his goods just as cheaply as the most intelligent adult. The same system should prevail in the United States. We have become a great country, and we should have broad and liberal tariff laws.

Now, Mr. Chairman, I would not be misunderstood relative to our position with Cuba. We should give that country some most liberal concessions, not, however, for the purpose of securing her trade, but on account solely of our near, unusual, and peculiar relation to her. Cuba is a ward of ours, and I advocate concessions to her for her sake alone.

We are sending our goods into the markets of the world, we are sending them everywhere, and we want the trade of all the world. Consequently we should not have any restriction. We are an independent people largely because we are great producers of the food supplies and necessities of life, while we have, on the other hand, become a great manufacturing people, and we are now sending our manufactured goods to all parts of the world. We have become the lenders of money to many nations of the world. We no longer confine our loans to this country, but are making loans to many other countries.

Mr. Chairman, as stated in the beginning of my speech, the country is beginning to sound the call for some kind of tariff legislation, and it is with much gratification that I submit an editorial, dated March 17, from one of the foremost papers of the South, the Atlanta Constitution, urging tariff revision:

#### THE HOPE OF TARIFF REVISION.

The only hope that the spoliated consumers of this country have for a revision of the Dingley tariff lies in the committal of the Government to the Democratic party.

The only hope the people have that government of the trusts, by the trusts, and for the trusts may perish from the Republic lies in the same measure of relief.

One of the most prominent facts that has been developed by the deliverances in both Houses of the present Congress and by the leaders of both parties is that the people are restless because of the plain robberies committed from them by the tariff as it now stands, and that they mean to have justice out of the situation at any cost.

Speaker HENDERSON says "that there could be, wisely, revision on certain parts of the tariff laws, and that reductions can be wisely made in some matters, no sane man will attempt to deny." Why, then, does he and his Committee on Rules refuse to allow a willing majority in the House—made up of revision Republicans and Democrats—prepare and propose those wise reductions? He answers that "the danger is, that in trying to reach a few remedies we will involve the country in serious difficulties;" or, in other and truer words, the people may take too much, and take it from the plethoric, plutocratic trusts who supply the sinews of war for the Republican party.

Therefore the question resolves itself into simple terms and propositions. The trusts live and move and have their being in the circumference of the Dingley Act. By it they are enabled to monopolize production and fix prices, because they have no fear of competition. They demand that their special privileges to loot the pockets of American consumers shall not be withdrawn by any general revision and lowering of tariff rates. The Republican leaders, knowing that the fat with which to grease their campaign wheels comes from the profits of the trusts, dare not let down the bars and turn the people in upon that standing corn of the joint conspirators—the trusts and the party bosses.

How long will the people stand for that sort of highway robbery? How much longer will the farmers of America consent to pay 40 per cent more for trust-made plows than are paid by the Canadians and Cubans after freight and foreign tariff duties are paid on them? A hundred other articles of daily home consumption present the same conundrum. It is for the people to answer at the polls whether they prefer Republicanism and robbery or Democracy and a just revision of the tariff that will harm no honest American industry and spoliates no honest American citizen or home.

Here we have the pivotal and paramount issue, on which the Democratic party should make its appeal to American voters in every Congressional district between this day and the ides of the coming November.

Again I quote from two editorials in the Washington Post, a strong protective-tariff journal, under dates of February 18 and March 1, stating the time had come for tariff legislation, and strongly urging and advising it:

#### TARIFF REVISION.

Many times before and since the assembling of the Fifty-seventh Congress the Post has admonished the Republican members of that body of the danger of a refusal to revise the tariff. The necessity for revision has resulted more from the unexpectedly great success of the Dingley tariff than from mistakes in its schedules. The one serious mistake in that act was its reciprocity feature and the imposition of some duties bearing a margin that was intended for reduction by reciprocity treaties. Mr. Dingley and his associates were pledged to that irregular and condemned plan of tariff legislation by the action of Republican national conventions. They did not foresee the change in popular feeling and the views of statesmen by which Mr. Blaine's scheme of Executive tariff tinkering has been practically ruled out.

The Post advocates that freedom of trade from the protection standpoint. The only consistent protectionists are those who believe in abolishing all tariff schedules that are not needed either for protection or revenue, and whose only object is to shelter monopolistic extortion. Whenever any industry has reached the point at which it is able to care for itself it has vindicated the wisdom and beneficence of protection, and the transfer of its product to the free list is but carrying to its logical result the only argument on which protection was built up or has a right to live.

Mr. Chairman, I thank the committee for its attention. [Loud applause on the Democratic side.]

Mr. SMALL. Mr. Chairman, I listened this afternoon with much interest to the gentleman from Louisiana [Mr. RANDELL] and on yesterday to the gentleman from Massachusetts [Mr. LAWRENCE], both of whom are members of the Committee on Rivers and Harbors, who spoke in commendation of the provisions of this bill. The gentleman from Louisiana had the unctuous consolation of knowing that the Mississippi River, in which he was peculiarly interested, had received \$12,000,000 out of the total appropriations contained in this bill, being one-fifth of the entire sum carried. The gentleman from Massachusetts had ample justification in expressing his pleasure in the fact that the harbors and waterways of that great State had been conserved by appropriations to the amount of \$4,652,895, nearly one-twelfth of the amount carried in the bill. I do not think I have made any error in the addition of the several items.

As one of the Representatives from the State of North Carolina, I have not the same incentive to favor this bill, and I must enter my dissent to its provisions so far as my State is concerned.

The district which I have the honor to represent extends from the Virginia line southward along the Atlantic coast for a distance of 210 miles, including Beaufort Inlet. It has within its limits 2,885 square miles of inland waterways. It has 20 rivers, both large and small. It possesses a water-borne commerce which is not only very considerable at the present time, but promises great possibilities for the future. There are within its limits prosperous and progressive towns tributary to these waterways, peopled with intelligent citizens who are keeping pace with the onward march of industrial progress. Elizabeth City, easily the queen city of the northeastern counties, located upon the beautiful Pasquotank, is but a fair illustration of its commercial progress. The old and historic town of Edenton, which overlooks the broad and magnificent bay of the same name, is forging ahead and adding year by year to her tonnage in shipping and in valuation of her water-borne commerce.

The towns of Plymouth and Williamston, situated upon the Roanoke, a bold stream, which was the scene of many historic naval encounters in our late civil war, afford no ordinary examples of thrift and prosperity. The town of Greenville, at head of easy navigation on the Tar River, has made such rapid progress during recent years as to surprise even the stalwart business men who have wrought its commercial development. The town of Washington, situated upon the beautiful Pamlico River, needs no commendation from those who have had the opportunity to visit its hospitable people or of studying its commercial growth. Year by year its shipping has increased in tonnage, and the value of its products has grown in proportion. The commercial statistics of that port show a tonnage for 1900 of 613,895 tons, being an increase over the previous year of 106,000 tons. Time does not permit recalling other progressive towns, like Hertford, Murfreesboro, Winton, Roper, Columbia, Belhaven, Beaufort, and Morehead City. Its agricultural lands are fertile and responsive, and the surplus products of the farms vastly increase the wealth of that section of North Carolina as they are carried out to the industrial world. And yet, Mr. Chairman, the waterways in that district and the commercial interests which are involved receive the munificent sum of \$77,900 in this bill.

But how fares the entire State? North Carolina on its eastern border extends along the Atlantic coast for a distance of more than 300 miles. To say nothing of the smaller streams, there are seven large and bold rivers flowing through the State into the inland sounds and then into the ocean. These are the Pasquotank, Perquimans, Chowan, Roanoke, Pamlico, Neuse, and the Cape Fear. There are numerous inland sounds and bays, the principal of which are the Pamlico and the Albemarle Sound, the latter being the largest body of fresh water on the Atlantic coast. The lower Cape Fear River below Wilmington furnishes one of the finest channels and ports on the Atlantic coast, if not the very finest. It is, therefore, pertinent to inquire to what extent the harbors and waterways of my State receive recognition and



appropriations in this bill. Gentlemen will be surprised to learn that the honorable Committee on Rivers and Harbors after more than two months' incubation and zealous study, with no other professed desire than to serve the interests of the whole country and to mete exact and even justice, have in their wisdom and magnanimity appropriated the sum of \$267,400 for the entire State. Of this sum \$150,000, or more than one-half, is appropriated to the Cape Fear River below Wilmington, and even that amount is insufficient for the needs of that magnificent port and channel to the extent of \$100,000.

There are three districts in my State which are directly interested in this bill—the Sixth district, represented by my colleague, Mr. BELLAMY, and the Third district, represented by my colleague, Mr. THOMAS, and my own district, the First. The waterways of the district of my colleague, Mr. BELLAMY, receive \$160,000, and of my colleague, Mr. THOMAS, \$29,500, and the First district the sum of \$77,900. In the face of these conditions, Mr. Chairman, it is said we should be grateful for what we have received and not antagonize this bill, because forsooth we may displease some gentlemen, and in any event will not be able to defeat the bill. Modesty and silence under injustice are not always virtues to be commended.

We, the Representatives from that good State, desire to inquire with all deference why it is that the commercial interests of our State have been neglected in the provisions of this bill. Is it because, as my colleague [Mr. BELLAMY] intimated two days ago in this House, the State is not represented by membership on that committee? I will not make any invidious comparisons between States and districts which are represented and those not represented on that distinguished committee. It is proper to say that the gentlemen composing that committee, including the distinguished chairman, repudiate the intimation that membership carries with it preemptions upon appropriations for the commercial interests of their respective districts and States. On yesterday the distinguished gentleman from Iowa [Mr. HEPBURN], who opposed this bill, maintained that the committee should be composed of members whose districts were not peculiarly and directly interested in harbors and waterways, upon the theory that they would study the commercial needs of the country from a national and just standpoint, and thus free the committee from the suspicion of logrolling for each others' interest, as has been suggested from various quarters.

It is apparent that North Carolina had no representative upon the committee, and according to the theory of the gentleman from Iowa we should have received more even justice.

Certainly it could not have been the intention of the committee to willfully discriminate against the State. I would not without the clearest proof make such a charge against any committee of this body. If they are not acquainted with the relative importance which the State bears in her relation to the Union, I would point them to her history in the past, from which they would learn that in every critical period of the Republic she has stood square to a conscientious performance of her duty and contributed more than her share to its perpetuation and progress. If it is along material lines that they desire evidence, I would point them to that silent but eloquent compilation of figures shown in the Twelfth Census, which indicates a healthy and rapid growth in her commercial and manufacturing interests during the last decennial period, and which would convince any gentleman desirous of ascertaining the facts that she was entitled to greater consideration than she has received.

Neither would it be pleasing to charge that the committee had distributed these appropriations, or as they prefer to designate them, their recognition of the commercial interests of the country, by sectional lines or as the result of sectional prejudice. We have been told that we are approaching an era of domestic tranquillity, of peace, of concord, of mutual recognition of the merits, the advantages, the growth, and the possibilities of every section of this great Union, and there have been many evidences of amity and of justice. Certainly this committee would not sound a discordant note and revive among the people of any section the sentiment of sectional discord. I can only attribute the action of the committee to the fact—and I make the charge with all deference—that the membership of the committee are not acquainted with the commercial growth of the State and with the needs and interests of her existing commerce and with the possibilities of her waterways.

Perhaps the action of the committee may be explained in the speech of the distinguished chairman on the floor of the House on last Monday in his most remarkable statement, that of the \$60,000,000 appropriated in this bill \$50,000,000 were appropriated, to quote his words, "for great projects, for great ports, and great channels," leaving \$10,000,000 to be distributed throughout the country among its small harbors and waterways. Therefore, five-sixths of the total appropriations have been concentrated upon a few great harbors and one-sixth thereof doled out among a few

of the great number of smaller projects. They have been inadvertent to the fact that the smaller ports and waterways are relatively of as great importance to their respective sections and that they make up the great volume and aggregation of our waterborne commerce and commercial interests.

I hope the committee have not permanently fallen into the evil lines which are charged against many of the policies which actuate the administration of the Republican party, that of concentrating wealth and favor and recognition among the few and neglecting the many interests which represent and sustain our commercial progress. After all, the great ports are only clearing houses of the lesser ports and waterways, and if the latter languish from neglect the former will dwindle into insignificant proportions.

Among the several projects in North Carolina which are entitled to favorable consideration I desire to call particular attention to one which has been omitted by the committee. I introduced early in the session a bill authorizing the appointment of a board of engineers to consider the subject of an inland waterway from Norfolk, in the State of Virginia, to Beaufort Inlet, in the State of North Carolina.

This is not only important to the commercial interests of our State and not only affects the commerce of the great port of Norfolk to the north of us and of the Chesapeake Bay, but the other ports and States further north, as well as the Atlantic ports south of Beaufort Inlet. There appears to be a woeful amount of ignorance concerning the necessity of this waterway. Its opponents have asked as to its necessity. They point to the map with great satisfaction and call attention to its inland sounds and its stretch of coast upon the Atlantic and inquire why does not the coastwise shipping seek an outlet to the ocean and engage in coastwise traffic. I beg to contribute a few pertinent facts within the limited time at my disposal which may serve to inform the country. A most interesting contribution upon this subject was made by Mr. S. T. Abert, United States civil engineer, and is contained in Senate Executive Document No. 35, Forty-fourth Congress, first session. I quote one paragraph therefrom:

The coast of North Carolina is over 300 miles in extent. For the greater part of this distance barrier reefs, or a cordon of long, low, narrow sand-hills, varying from one-fourth of a mile to nearly 4 miles in width, resist the billows of the Atlantic and appear for centuries to have maintained the same position in which we now find them.

This narrow cordon of sand reefs or the "Banks," as they are sometimes termed, separate the Atlantic Ocean from the inland sounds of the State. The State is unfortunate in the character of its inlets to the ocean. From the southern extremity of Pamlico Sound, extending northwardly to Chesapeake Bay, there is to-day practically only one navigable inlet to the ocean, which is known as Ocracoke Inlet. While this affords a depth of from 10 to 14 feet, yet its approach from Pamlico Sound is restricted by a "swash" or sand bar with only a depth of between 7 and 8 feet, and, as the chairman [Mr. BURTON] has very frequently stated, the minimum depth controls navigation.

Beaufort Inlet and the inlet leading from Cape Fear River to the ocean, both of which are south of Pamlico Sound, are to-day practically inaccessible to shipping from points farther north by reason of the shallow depth of Core Sound and of the incomplete condition of the Club Foot and Harlowe Creek Canal. But not only is navigation within this territory confined to Ocracoke Inlet with its limited depth as an outlet to the ocean, but the coast of North Carolina presents almost insuperable obstacles to our coastwise commerce.

I need only refer to Cape Hatteras and the outer Diamond Shoal in confirmation of this statement. Cape Hatteras has for centuries been the terror of the mariner, and it has been aptly termed "the graveyard of the Atlantic." Hundreds, yes thousands, of proud ships have ended their last voyage amid its tempestuous seas and foundered on its cruel sands and rocks. Thousands of lives of brave seamen have been sacrificed in the vortex of its waves. Millions of dollars of valuable property have paid tribute to its insatiate greed.

Its history is eloquent of death, disaster, and suffering, and the engineering skill of the modern world has been unable to resist its ruthless career or afford protection to the travelers upon the seas. But this is not all. Cape Lookout, which lies to the south of Cape Hatteras between Ocracoke and Beaufort inlets, has been scarcely less prolific of disaster and death. In this busy world we soon forget isolated instances of misfortune or catastrophe. It is only when they are aggregated that we can appreciate their enormity. I hold in my hand a compilation of marine disasters upon the coast of North Carolina from Gull Shoal, north of Cape Hatteras, south to and including Cape Lookout and Shoals, for a period of eleven years from July 1, 1890, to June 30, 1901. This summary was at my request prepared under the direction of General Superintendent S. I. Kimball, of the Life-Saving Service.



I wish time permitted some eulogy of this veteran public servant, who has held his post of duty so long as leader of the humane work of saving life and property and of minimizing the terrors of the seas. I will print this statement as an appendix to my remarks, and shall now only take the time to repeat its recapitulation. It shows during this period that the number of marine disasters on the North Carolina coast have been 80; the number of vessels totally lost, 41; the number of lives lost, 42; property involved, \$5,562,405, and property totally lost, \$2,294,900. I call your attention to the pertinent fact that the great bulk of these disasters occurred not to vessels engaged in our foreign commerce, but more than 90 per cent were vessels and steamers engaged in our coastwise trade between our Southern and Northern ports.

May I call attention to another physical condition along our coast? A stretch of land separates the Chesapeake Bay on the north from the inland sounds of North Carolina, which has been pierced by two canals owned by private corporations, one known as the Albemarle and Chesapeake Canal and the other known as the Dismal Swamp Canal, and which afford an average depth of about 8 feet. These answer a very useful purpose, and yet, for the reasons above given, they only serve the local commerce of eastern North Carolina north of and including Pamlico Sound and its tributaries. So that it appears, Mr. Chairman, that this portion of eastern North Carolina, comprising nearly 200 miles of its seaboard, is practically, at the present time, cut off from an outlet to the ocean and its water-borne commerce is restricted on the north via Chesapeake Bay to vessels and steamers having an average draft of 8 feet or less. Who, then, will say, in view of the physical conditions which confront our coast, that this inland waterway is not a necessity?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask unanimous consent to continue longer.

Mr. BURTON. I give notice that this is the last time I can consent to any extension of time, because there are others who wish to speak and the general debate is to close at 3 o'clock. I make no objection in this case.

The CHAIRMAN. The Chair hears no objection.

Mr. SMALL. Mr. Chairman, in the emergency river and harbor bill of June 6, 1900, provision was made for the survey of a part of this waterway, as follows:

Pasquotank River: With the view of obtaining a navigable depth of 16 feet at mean low water from South Mills, on the Pasquotank River, thence down the Pasquotank River, through Albemarle Sound, Croatan Sound, Pamlico Sound, and Core Sound to Beaufort Inlet, including also cost of procuring a navigable depth of 18 feet through Beaufort Inlet and 18 feet through Ocracoke Inlet, respectively.

South Mills is the southern terminus of the Dismal Swamp Canal. The report of this survey was submitted by the Chief of Engineers, and is contained in House Document No. 202, Fifty-sixth Congress, second session, and is worthy a careful reading. In fact, I can not too highly commend the intelligent and painstaking reports of the local engineers, Capt. E. W. Van C. Lucas and Maj. James B. Quinn. Not only was their report most favorable, but it received the cordial indorsement of Col. Peter C. Hains, division engineer, and also of the Chief of Engineers. I will take the time only to read an extract from the indorsement of Colonel Hains:

The survey is for a project of great national importance, and should be undertaken only after the most careful consideration and study to see that the best route is adopted. I do not think the surveys thus far made determine this fact with certainty. This survey is for a particular route described in the law, leaving the engineers no discretion in the selection of a better one, should it exist. There are other routes that should be examined, and the best connection made between Albemarle Sound and Chesapeake Bay, whether it be via the Dismal Swamp Canal or the Albemarle and Chesapeake Canal. Moreover, the entire route should be owned by the United States.

I am clearly of the opinion that an inland waterway should be opened by the United States from Norfolk south, that it should be under the absolute control of the United States from one end to the other, and that the Government would be justified in expending a considerable sum on such a work.

While emphasizing the national importance of this inland waterway both for commercial reasons and for strategic purposes in time of war, it is proper to say that the report embodied two other conclusions. First, that the route embraced in the survey made was not sufficiently comprehensive and that legislative authority should be given to make proper surveys and estimates of other routes along the same general course in eastern North Carolina for the purpose of satisfactorily determining which was the most available and economic route. Second, the report further suggested that it would not be wise for the Government to undertake this great project as long as the northern communication with Chesapeake Bay was dependent upon the use of a canal owned by a private corporation, which might fail to enlarge their canal to correspond with the Government waterway and thereby render the latter useless. In substance, that both of these canals should be examined with a view to determining which afforded the best route, and that one or both should be owned by the Government and maintained as a part of this inland waterway. The above suggestions were eminently wise and

practical, and it was for the purpose of making the further surveys and of examining and appraising the value of the two private canals that the bill which I refer to was introduced at this session. For information I will append this bill to my remarks.

But, Mr. Chairman, it has been said by the distinguished chairman of the committee that the true criterion of appropriations for the improvement of our waterways is the amount of commercial interests involved. By this test we submit with confidence the merits of this measure to Congress and to the country. It appears from the report of the Chief of Engineers and from other reliable data which has been collected that the estimated value of coastwise commerce to be affected by the establishment of this inland water route at the seven ports south of Beaufort Inlet aggregates more than \$116,000,000. The ports referred to are Wilmington, N. C., Georgetown, S. C., Charleston, Savannah, Brunswick, Fernandina, and Jacksonville.

It may be said that an equal amount will be involved in the coastwise commerce from the ports on the Atlantic coast north of and including Chesapeake Bay. This does not take under consideration the amount of coastwise commerce involved from the inland sounds and rivers and ports in eastern North Carolina. It would therefore be conservative to estimate that more than \$300,000,000 of coastwise commerce would be affected and benefited by the construction of this inland waterway. This means 10,000,000 tons of commerce per annum. The cheapest form of water transportation is that carried by large barges and towed by powerful tugs. Wherever this method of transportation has been adopted freight rates have been greatly reduced. Since the institution of barge transportation in the coal trade from Chesapeake Bay to the North "freight rates have been reduced more than half, and where a few years ago they amounted to from \$3 to \$5 per ton, they are now from 75 cents to \$1.50 per ton." The freight rates on lumber from the South have also been largely reduced.

If the establishment of this inland route resulted in the reduction of rates by even 10 cents per ton on the estimated tonnage, say 10,000,000 tons annually, it would amount to a saving per annum of \$1,000,000. At 5 per cent this is the interest on \$20,000,000, which is nearly four times the total cost of the construction of this inland water route, including the purchase by the Government of one of the intervening canals and the enlargement thereof. Who will gainsay the conclusion that the establishment of this inland water route is desirable and necessary by reason of the immense commercial interests involved?

This is not a local enterprise, but a national project. It is one of the several links in the chain of the great inland waterway which shall ultimately extend from Boston, on the coast of New England, to Beaufort Inlet, on the coast of North Carolina.

I may state as another pertinent fact that coastwise navigation on the Atlantic south of Beaufort Inlet is comparatively safe. Physical conditions which sustain this statement are well known and recognized. I interrogated the distinguished chairman of the committee when he was on the floor last Monday as to the reasons which actuated the committee in refusing to include this project in the bill. Here was his reply:

Mr. BURTON. First, there were numerous claims from different localities in the country for the survey of inland waterways, as from Delaware and Maryland and the coast of New England, South Carolina, Georgia, Florida, Louisiana, and Texas. It did not seem to us fair to include this item in North Carolina without including all the rest. This was in pursuance of a rule as far as possible to treat all alike. The second reason is this: In the year 1900 a provision was inserted for a survey of an inland waterway in this very locality. The estimated cost, I think, of 16-foot navigation was \$1,900,000, or an 18-foot navigation at a very much larger sum.

Either of those amounts was sufficient to preclude the desirability of an appropriation being made for it now. After one waterway has been surveyed in North Carolina—and so far a preference has been given to it in comparison with other States—and an estimate came in of so great size as did come in, it did not seem desirable to have another waterway survey there right in the same neighborhood. Such a course would not only threaten undue appropriations, but it would be unfair to other localities whose inland waterways remain unsurveyed.

I submit that the explanation does not explain. The professed intention of the bill is to recognize great projects where commerce would be largely benefited, and I submit with confidence that this inland waterway supplies both conditions. In this connection I call attention to the fact that the House Committee on Railways and Canals favorably reported yesterday a resolution authorizing the President to appoint a commission for the purpose of considering the establishment of a free and open waterway connecting Chesapeake and Delaware bays, and the chairman of that committee, Mr. DAVIDSON, of Wisconsin, is one of the distinguished members on the Committee on Rivers and Harbors. We congratulate the country upon this favorable report, recognizing the importance of the connection between Delaware and Chesapeake bays, but we deplore the omission of a provision recognizing the more important inland water route connecting Chesapeake Bay and Beaufort Inlet, North Carolina.

Mr. Chairman, the movement in favor of this inland waterway



has come to stay, and the commercial interests involved will continue to knock at the doors of Congress until a favorable response is given. [Applause.]

## APPENDIX 1.

A bill (H. R. 7452) authorizing the appointment of a board of engineers to consider the subject of an inland waterway from Norfolk, in the State of Virginia, to Beaufort Inlet, in the State of North Carolina.

*Be it enacted, etc.,* That the Secretary of War is hereby authorized and directed to appoint a board of engineers, to consist of not less than three and not more than five, and to be taken from either the active or the retired list of engineers in the service of the United States, to consider the entire subject of a waterway of not less than 16 feet depth from Norfolk Harbor, in

the State of Virginia, to Beaufort Inlet, in the State of North Carolina, with instructions, first, to make surveys of all possible routes, if necessary, whether or not included in recent surveys made by Maj. James B. Quinn and Capt. E. W. Van C. Lucas and reported to Congress in Executive Document No. 22, Fifty-sixth Congress, second session, and, second, to submit a report with estimates and recommendations, and, in the event of a favorable recommendation, a description of the best route, such report to contain an estimate of the total cost of the construction of the route recommended for adoption, including the probable cost of the purchase and improvement to 16 feet depth of any private waterway that it may be to the interest of the United States to acquire and improve in connection with the above improvement. And said board, when appointed, is authorized to order such journeys for any or all of its members as may be necessary to investigate not only any or all possible parts of proposed route but also the commercial interests of any part or parts liable to be affected by the establishment of the proposed waterway.

## APPENDIX 2.

*Statement of marine disasters which occurred on the coast of North Carolina from Gull Shoal, north of Cape Hatteras, south to and including Cape Lookout and shoals, from July 1, 1890, to June 30, 1901, inclusive—eleven years.*

Date of disaster.	Name of vessel.	Description of vessel.	Tons.	Port sailed from.	Port bound to.	Resulting in total loss.	Nature of cargo.	Number of lives lost.	Property involved.	Property lost.	Locality of casualty.
1890.											
Oct. 8	Rhuriderm	Br. stp.	1,156	Key West, Fla.	Newcastle, Eng-land.	.....	Phosphate rock.	.....	\$108,400	None.	1/4 mile NW. of Cape Lookout L. S. Station.
Dec. 17	Blanche	Br. sch.	220	Cape Haitien, Haiti.	Boston, Mass.	Total.	Logwood.	.....	15,000	\$15,000	Ocracoke Inlet.
1891.											
Jan. 22	Chas. C. Lister, jr.	Sch.	160	New York City.	Wilmington, N. C.	Total.	Phosphate	.....	10,000	10,000	Hatteras Inlet.
Do.	Nathaniel Lank.	Sch.	282	St. Thomas, West Indies.	Delaware Break-water.	do.	Sugar	.....	36,000	36,000	Gull Shoals.
Feb. 20	Cragside	Br. stp.	1,278	Galveston, Tex.	Liverpool, Eng-land.	.....	Cotton and oil cake.	1	393,380	82,000	1 mile S. of Ocracoke L. S. Station.
Feb. 28	J. D. Jones	Steamer	258	Norfolk, Va.	Ocracoke Inlet, N. C.	.....	Ballast	.....	90,000	5,000	Ocracoke Inlet
Mar. 27	Borinquen	Spanish stp.	1,262	Galveston, Tex.	Liverpool, Eng-land.	.....	Cotton seed and oil cake.	.....	165,060	63,740	3 miles S. of Ocracoke L. S. Station.
July 7	A. L. and M. Townsend.	Sch.	42	Bogue Inlet, N. C.	Baltimore, Md.	Total.	Lumber	.....	2,400	2,400	2 1/2 miles S. of Cape Lookout L. S. Station.
Nov. 25	John M. Cannon.	Sch.	232	Bucksville, S. C.	do	.....	do	.....	15,000	5,400	Hatteras Inlet.
1892.											
Feb. 22	Anne E. Pierce	Sch.	93	Bogue Inlet, N. C.	New Bedford, Mass.	Total.	Lumber	1	6,000	6,000	Little Kinnakeet.
Feb. 26	Freddie Heucken	Sch.	344	New York City.	Virginia	do.	Ballast	.....	15,000	15,000	Gull Shoal.
Dec. 20	Leonore	Sch.	17	Beaufort, N. C.	Fishing trip.	.....	do	.....	800	None.	1 mile NE. of Cape Lookout L. S. Station.
Dec. 25	Thos. J. May	Sch.	225	New York City.	Georgetown, S. C.	.....	do	.....	15,000	None.	1 1/4 mile W. by E. of Cape Lookout L. S. Station.
1893.											
Feb. 9	Formosa	Bktne.	535	Key West, Fla.	Baltimore, Md.	Total.	Phosphate rock.	.....	24,000	24,000	Outer Diamond Shoals.
Feb. 20	Nathan Easterbrook, jr.	Sch.	713	Carteret, N. J.	Savannah, Ga.	do.	Fertilizers	1	55,000	55,000	Little Kinnakeet.
Feb. 22	Addie B. Bacon	Sch.	391	Philadelphia, Pa.	Morehead City, N. C.	.....	Phosphates	.....	24,000	None.	1 mile N. & E. of Cape Lookout L. S. Station.
Mar. 4	Martha	Sch.	53	Beaufort, N. C.	Baltimore, Md.	Total.	Fish, etc.	.....	9,000	6,250	Cape Hatteras.
Mar. 9	Lillie F. Schmidt	Sch.	577	Bermuda, West Indies.	do	do.	Lumber	.....	24,000	24,000	10 miles SW. Ocracoke L. S. Station.
Sept. 24	Cherubim	Sch.	98	New York City.	Newbern, N. C.	.....	Fertilizers	.....	4,800	None.	Hatteras Inlet.
Oct. 13	Daylight	Br. stp.	2,338	do	Wilmington, N. C.	.....	Ballast	.....	125,000	None.	Cape Lookout Shoals.
Oct. 15	Maggie Andrews	Sch.	615	Darien, Ga.	Portland, Me.	Total.	Lumber	.....	29,260	29,260	20 miles NE. Cape Lookout Shoals.
Nov. 24	Jennie F. Willey	Sch.	384	New York City.	Savannah, Ga.	.....	Guano	.....	18,000	2,200	Cape Lookout.
Dec. 2	Wetherby	Br. stp.	2,129	Fernandina, Fla.	Fernandina, Fla.	Total.	Phosphate rock.	.....	150,000	150,000	Outer Diamond Shoals.
1894.											
Mar. 14	Jennie E. McNaughton.	Sch.	89	Stonewall, N. C.	Atlantic City, N. J.	Total.	Lumber	.....	6,600	6,600	Ocracoke Inlet.
Mar. 19	Aros	Br. stp.	1,157	Fernandina, Fla.	Stettin, Prussia.	.....	Phosphate	.....	172,000	None.	10 miles S. by E. of Cape Lookout L. S. Station.
Sept. 26	A. P. Richardson	Sch.	78	New York City.	Hatteras Inlet, N. C.	Total.	Ballast	.....	3,000	3,000	1/4 mile S. of Ocracoke L. S. Station.
Dec. 27	Richard S. Spoford.	Sch.	489	Boston, Mass.	Darien, Ga.	do.	do	1	32,000	None.	Ocracoke Inlet.
1895.											
Jan. 19	Hester A. Seward	Sch.	158	Georgetown, S. C.	Baltimore, Md.	Total.	Lumber	.....	6,900	6,900	Hatteras Inlet.
Do.	S. Warren Hall.	Sch.	160	Atlantic City, N. J.	Bogue Inlet, N. C.	.....	Ballast	.....	3,000	2,500	4 miles S. of Ocracoke L. S. Station.
Feb. 8	Anaconda	Sloop.	15	Kinnakeet, N. C.	.....	.....	Fish, etc.	.....	640	None.	1 1/4 miles N. of Ocracoke L. S. Station.
Do.	Annie C. Thomas	Sch.	6	do	.....	.....	do	.....	440	None.	Do.
Do.	Maggie J. A.	Sch.	10	do	Elizabeth City, N. C.	.....	do	.....	430	None.	1/4 mile N. of Ocracoke L. S. Station.
Do.	F. M. Isabella	Sch.	9	do	.....	.....	do	.....	440	None.	1 1/4 miles N. of Ocracoke L. S. Station.
Feb. 27	Etta M. Barter	Sch.	273	Charleston, S. C.	New York City.	Total.	Lumber	.....	9,000	9,000	7 1/4 miles ENE. of Portsmouth L. S. Station.
Mar. 4	Ed. S. Stearns	Sch.	338	Rockport, Me.	Charleston, S. C.	do.	Lime and hay	.....	18,000	18,000	5 1/4 miles SW. by W. Durants L. S. Station.
Do.	Sallie Bissell	Sch.	52	Charleston, S. C.	Newbern, N. C.	do.	Phosphates	.....	3,700	3,700	3 1/4 miles E. of Portsmouth L. S. Station.
May 22	Three Pot.	Sch.	11	Morehead City, N. C.	Cape Lookout, N. C.	.....	Unknown	.....	800	None.	Cape Lookout.
July 3	William Frederich.	Sch.	453	Satilla River, Ga.	New York City.	.....	Lumber	.....	12,000	300	2 miles E. by E. Body Island L. S. Station.
July 22	J. W. Dresser	Bktne.	602	Guantanamo, Cuba.	do	Total.	Sugar	.....	54,000	54,000	Outer Diamond Shoals.
1896.											
Feb. 6	H. B. Hussey	Brig.	545	Boston, Mass.	Charleston, S. C.	.....	Ballast	.....	16,000	3,000	1 mile SE. of Ocracoke L. S. Station.
May 22	Glanayron	Br. stp.	1,631	Fernandina, Fla.	Rotterdam, Holland.	Total.	Phosphates	.....	136,000	136,000	Outer Diamond Shoals.
July 7	Henry Norwell.	Bktne.	534	New York City.	Brunswick, Ga.	do.	Ballast	.....	15,000	15,000	Gull Shoal.
Aug. 2	Hugh	Sch.	16	Beaufort, N. C.	Smiths Creek, N. C.	.....	Shells	.....	430	None.	1 mile NW. Core Bank L. S. Station.



Statement of marine disasters which occurred on the coast of North Carolina, etc.—Continued.

Date of disaster.	Name of vessel.	Description of vessel.	Tons.	Port sailed from.	Port bound to.	Resulting in total loss.	Nature of cargo.	Number of lives lost.	Property involved.	Property lost.	Locality of casualty.
1896. Sept. 1	Romulus	Ger.stp.	2,630	New Orleans, La.	Newport News, Va.	.....	Lumber, corn, flour, oil cake.	.....	\$190,470	None.	Outer Diamond Shoals (got off in 2 hours).
Dec. 23	Ida C. Schoolcraft	Sch.	320	New York City..	Wilmington, N.C.	.....	Guano	.....	22,000	None.	1 mile N. of Cape Lookout L. S. Station.
Dec. 24	F. M. Isabella	Sch.	9	Ocracoke, N. C.	Hatteras, N. C.	.....	Unknown	.....	500	None.	2 miles N. of Ocracoke L. S. Station.
1897. Apr. 20	Minnie	Sch.	13	Hog Island, Va.	.....	.....	Unknown	.....	200	\$100	1 mile NNE. of Core Bank L. S. Station.
Do.	Adrienne	Yacht	48	Miami, Fla.	New Haven, Conn.	.....	do	.....	5,000	None.	1 mile N. of Cape Lookout L. S. Station.
Oct. 9	Hesperides	Br.stp.	2,404	Cuba	Baltimore, Md.	Total.	Iron ore	.....	100,000	100,000	Outer Diamond Shoals.
Nov. 22	St. Thomas	Sch.	742	Charleston, S. C.	Portland, Me.	.....	Lumber	.....	21,000	200	Cape Lookout Shoals.
1898. Mar. 4	Maggie M. Keough	Sch.	584	do	New York City..	.....	Lumber	.....	10,700	400	1 mile WNW. of Cape Lookout L. S. Station.
Apr. 5	S. Warren Hall	Sch.	160	Georgetown, D. C.	Philadelphia, Pa.	Total.	do	.....	8,200	7,650	3 miles E. by S. Portsmouth L. S. Station.
Apr. 27	John Harlin	Steamer	80	Charleston, S. C.	Norfolk, Va.	.....	Ballast	.....	16,000	900	1 mile N. of Cape Lookout L. S. Station.
Aug. 10	S. G. Hart	Sch.	532	Baltimore, Md.	Fernandina, Fla.	Total.	Coal	.....	17,000	17,000	Little Kinnokeet.
1899. Jan. 15	Silver Heels	Sch.	134	Charleston, S. C.	New York City..	.....	Lumber	.....	6,200	None.	1 mile N. by E. Cape Lookout L. S. Station.
Mch. 4	Charmer	Sch.	365	Philadelphia, Pa.	Savannah, Ga.	Total.	Coal	.....	8,100	8,100	4 miles E. of Portsmouth L. S. Station.
Mch. 7	Alfred Brabrook	Sch.	562	Boothbay, Me.	Charleston, S. C.	do	Ice	.....	8,800	8,800	Gull Shoal.
Mch. 19	Ada Foster	Slp.	7	Wilmington, N. C.	.....	.....	Ballast	.....	200	None.	1 mile SW. Cove Beach L. S. Station.
Apr. 8	J. C. McNaughton.	Sch.	153	Newbern, N. C.	Atlantic City, N. J.	Total.	Lumber	.....	9,750	8,875	1 mile E. of Durants L. S. Station.
Aug. 16	Aaron Reppard	Sch.	459	Philadelphia, Pa.	Savannah, Ga.	do	Coal	5	18,500	18,500	2 1/2 miles S. of Gull Shoal L. S. Station.
Do.	Lydia A. Willis	Sch.	18	Washington, N. C.	Ocracoke, N. C.	do	Miscellaneous	2	1,100	1,100	3 miles E. of Portsmouth L. S. Station.
Do.	Florence Randall	Sch.	741	Promised Land, N. Y.	Charleston, S. C.	do	Fertilizers	.....	19,000	19,000	2 miles SSE. Big Kinna-keet L. S. Station.
Aug. 17	Priscilla	Bktne.	643	Baltimore, Md.	Rio de Janeiro, Brazil.	do	Marchandise, general.	4	50,850	45,850	3 miles S. of Gull Shoal L. S. Station.
Do.	Robert W. Dasey	Sch.	358	Philadelphia, Pa.	Jacksonville, Fla.	do	Coal	.....	9,000	9,000	Little Kinnokeet.
Aug. 18	Diamond Shoal L. Sp. No. 69.	Sch.	46	.....	.....	.....	Ballast	.....	60,000	18,000	1 mile SSW. of Creeds Hill L. S. Station.
Aug. 24	Henrietta Hill	Sch.	50	Newbern, N. C.	Sandy Hook, N. J.	Total.	Lumber	.....	4,800	4,800	3 miles E. by S. of Portsmouth L. S. Station.
Sept. 2	Anna Bell	Sch.	5	Marshallberg, N. C.	Ocracoke, N. C.	.....	Fish	.....	330	None.	1 mile N. of Portsmouth L. S. Station.
Oct. 30	Roger Moore	Sch.	334	Boston, Mass.	Brunswick, Ga.	Total.	Ballast	.....	7,000	7,000	1 mile SE. Big Kinna-keet L. S. Station.
Dec. 24	Ariosto	Br.stp.	2,919	Galveston, Tex.	Hamburg, Germany.	do	Wheat, cotton, etc.	21	1,626,160	865,580	2 miles SW. of Ocracoke L. S. Station.
1900. Mar. 8	Bayard Hopkins.	Sch.	269	Georgetown, S. C.	Norwich, Conn.	.....	Lumber	.....	23,000	None.	1 mile N. by E. Cape Lookout L. S. Station.
Mar. 12	Lizzie S. James	Sch.	181	Newbern, N. C.	New York City..	Total.	do	.....	13,000	12,000	3 miles E. by S. of Ocracoke L. S. Station.
May 2	Virginia	Br.stp.	2,314	Daiquiri, Cuba.	Baltimore, Md.	do	Iron ore	6	123,000	123,000	Outer Diamond Shoals.
June 9	Lucia Porter	Sch.	332	Brunswick, Ga.	New York City..	.....	Lumber	.....	14,000	None.	Diamond Shoals.
July 22	St. Georg	Ger.stp.	2,593	Cuba	Chester, Pa.	.....	Iron ore	.....	99,375	5,800	Outer Diamond Shoals.
Aug. 9	Palestro	Br.stp.	2,410	Pensacola, Fla.	Liverpool, England.	Total.	Lumber	.....	165,000	165,000	Do.
Aug. 22	Freddie L. Hamblen.	Sch.	50	Elizabeth City, N. C.	Hatteras, N. C.	.....	Junk	.....	1,075	None.	1 1/2 miles W. Durants L. S. Station.
1901. Jan. 31	George R. Congdon.	Sch.	458	Georgetown, S. C.	Perth Amboy, N. J.	Total.	Railroad ties	.....	17,000	17,000	3 1/2 miles NNE. of Cape Hatteras L. S. Station.
Mar. 4	General S. E. Merwin.	Sch.	789	Boston, Mass.	Norfolk, Va.	do	Copper ore	.....	42,000	42,000	1 mile SSE. Gull Shoal L. S. Station.
Mar. 4	Camperdown	Br.stp.	2,554	Tampico, Mexico	New York City..	.....	Sugar	.....	420,000	None.	8 miles SSE. Cape Lookout L. S. Station.
June 28	Starcross	Br.stp.	2,823	Brunswick, Ga.	Bremen, Germany.	.....	Cotton and phosphates.	.....	598,565	None.	Lookout Shoals.

## RECAPITULATION.

Number of disasters.....	80
Number of vessels totally lost.....	41
Number of lives lost.....	42
Property involved.....	\$5,562,405
Property lost.....	\$2,294,900

Mr. GAINES of Tennessee. Mr. Chairman, this bill makes two appropriations for the improvement of the Cumberland River in Tennessee. They are on page 62, and are as follows:

Improving Cumberland River, Tennessee, below Nashville: For the completion of the lock and dam at Harpeth Shoals and for maintenance, \$180,000.  
Improving Cumberland River, Tennessee, above Nashville: For the completion of Lock and Dam No. 1 and for maintenance, \$105,000.

The first item, Mr. Chairman, is to complete the lock and dam at Harpeth Shoals in the Lower Cumberland. That is the most "formidable" obstruction, and officially so characterized, in the entire Cumberland. The other item is for Lock No. 1, just below Nashville, about 2 miles. This lock is in the Upper Cumberland. Locks Nos. 1 to Lock No. 7 are in the "Upper Cumberland."

It will be seen, Mr. Chairman, that this appropriation is to build and complete only these two locks—No. 1 and A, or Harpeth Shoals—one in the Upper and one in the Lower Cumber-

land. We in the last and present Congress have insisted before the honorable River and Harbor Committee that these two improvements be completed, and that the dams be put in at Locks 2 to 7, and also that an appropriation be made to purchase the land and locate Lock B in the Lower Cumberland, which is already located on paper by the engineer who made the survey for this improvement, I believe, in the year 1889.

But the committee has seen fit to make appropriations for only Locks 1 and A. We are very desirous, the friends of both the Upper and Lower Cumberland, to have the Cumberland improvements above and below Nashville completed. With these improvements completed, not only the products coming from the Upper Cumberland down to or by Nashville can get out to the Ohio River, but it will give us competitive rates; it will give us a cheap transportation not only for products coming out of the Cumberland River to the Ohio, but also give the merchants of Nashville



and the Upper Cumberland—and there are a great many towns on that river—an opportunity to have competitive rates from Cincinnati and above and from the Mississippi Valley generally.

The improvement of the Cumberland will not only give this competitive rate to Nashville (and as the matter now stands we have only one system of railroads there), but it will give us an opportunity to exchange, as it were, products with the people in Illinois, in Indiana, in Missouri, in Arkansas, as far as the Ohio River is navigable. The original estimates made for the improvement of the Lower Cumberland amount to \$1,783,350, and for locks 1 to 7, inclusive, in the Upper Cumberland, about \$1,200,000. These improvements will give slack-water navigation for 125 miles above and 75 miles below Nashville, or 200 miles. The entire situation as set forth by the Cumberland River Improvement Association, which I approved in a speech in the House when the last river and harbor bill was pending here, is set out in the following document:

#### CUMBERLAND RIVER IMPROVEMENT.

*The honorable Committee on Rivers and Harbors, Washington, D. C.*

GENTLEMEN: To bring before you more pointedly the information asked for by your chairman, Mr. BURTON, in our discussion of the improvement of the Cumberland River this morning, we beg leave to state:

*First. The most important lock.*—Lock A, at Harpeth Shoals, in the Lower Cumberland, is the most important single lock. The masonry of the lock is finished. The estimated cost of putting in the dam and other accessories is \$150,000. It will give a depth of 6 feet at the lock and 3 feet at lock No. 1, 2 miles below Nashville.

*Second. Lock No. 1.*—Lock No. 1 belongs to the upper-river system, but is located 2 miles below Nashville, as above stated. The completion of Lock A before completing Lock 1 would back up the water on Lock 1 and render it more difficult and expensive to complete. In the last river and harbor bill \$50,000 was appropriated for cleaning out and preparing for the dam at No. 1, and the work is now being prosecuted. The estimated cost of completing Lock No. 1 is \$150,000. The masonry is completed. Both Locks 1 and A should be completed and put in operation at the same time, and will afford slack-water navigation from a point about 25 miles above Nashville to a point near Clarksville, a distance of about 65 miles below, and will extend the season of navigation to Nashville in the lower river for several months in the year.

*Third. Lock B.*—Lock B has been located near Clarksville, but the ground for it has not yet been acquired. This lock is very important in connection with No. 1 and A, and should be put under way at the earliest date possible, and when completed will, with Locks 1 and A, overcome the main difficulties to navigation in the Lower Cumberland.

*Fourth. Locks C, D, E, F, and G.*—Locks C, D, E, F, and G, being the remaining locks in the lower river, have not yet been located. In view of the possible delay in locating and acquiring the necessary ground therefore, we would urge that a specific provision be made for this in the pending bill. This would also be necessary should it be deemed advisable to put the construction of these locks under the continuing-contract system.

#### UPPER CUMBERLAND.

The completion of Locks 2 to 7 in the upper river will cost only about \$750,000, and will give slack-water navigation for a distance of 125 miles above Nashville, and the completion of Lock No. 1 (Upper Cumberland) and Locks A and B in the Lower Cumberland will add 75 miles more, making 200 miles of navigable river.

Within this territory are located the principal cities and towns of the entire river, rendering the completion of this portion of the river of the greatest commercial value.

#### RECOMMENDATIONS OF ENGINEER IN CHARGE.

The importance of completing the improvement in the lower river is recognized and set forth by Lieut. Col. M. B. Adams, United States engineer in charge of the river, in his last report to the Chief of Engineers, in which he says:

"The estimated cost of providing an outlet into the Ohio River—i. e., the completion of the scheme below Nashville—is \$1,714,500, and with the funds available and the lock sites secured the work might be accomplished in about two years."

And again, Colonel Adams, in further discussing the importance of the lower-river improvement in connection with Locks 1 to 7, inclusive, which are now built, says:

"It seems impossible to urge the cost that has first been indicated with too much vehemence, being apparently the only way of securing a return for the expenditures already incurred and may hereafter be incurred within a reasonable time and for a reasonable additional outlay."

The engineer, after stating that the completion of the improvement would probably reduce the freight charges 40 to 50 per cent, says:

"I do not hesitate, therefore, to ask for the entire sum that will be required to carry the lower-river scheme of improvement and the lower portion of the upper-river scheme of improvement to completion at an early day."

The sums asked for by the engineer, Colonel Adams, in his report cited above, are \$1,714,500 to complete the system in the Lower Cumberland, which he says can be done in two years, and \$1,200,000 for the Upper Cumberland to complete locks 1 to 7, both inclusive, and some minor work in the upper river.

This will secure over 300 miles of navigable water through one of the richest sections of the country and give immediate practical results.

#### CHIEF OF ENGINEERS' RECOMMENDATION.

The Chief of Engineers has cut the amount asked for by Colonel Adams to \$800,000 for the upper and \$800,000 for the lower river.

#### CUMBERLAND RIVER CONVENTION.

It can not be appropriate for us in this connection to state that we are sent to present these matters to you for your consideration by a large and representative convention of the people in the Cumberland River Valley, held in Nashville, November 15, 1900. In this valley is an estimated population of about 1,000,000 people, and it covers an area of about 18,500 square miles. The latent wealth of this territory is equal to any territory of equal extent in the world. Its arboreal and mineral wealth and agricultural possibilities will make it a most inviting field for the capitalist and the laborer, once the Cumberland River is made a safe and reliable highway of transportation, but which is now suffering for want of river transportation and railroad facilities.

#### SPECIFIC APPROPRIATIONS REQUESTED.

In conclusion, we beg leave to urge upon you that an appropriation be made in the pending river and harbor bill sufficient to cover the following items:

First. To finish Lock A (Harpeth Shoals).....	\$150,000
Second. To finish Lock No. 1.....	150,000
Third. To acquire necessary ground and construct lock and dam of Lock B (say).....	300,000
Fourth. To provide necessary amount for locating Locks C, D, E, F, and G, and acquiring necessary ground therefor, looking to the early completion of improvement in the Lower Cumberland.....	
Fifth. To build dams and other accessories to Locks 2 to 7, both inclusive, in Upper Cumberland.....	
To this should be added the amount recommended by the Chief of Engineers for keeping the river free from obstructions.	
We suggest that the sum appropriated for the Upper Cumberland shall first be applied to the completion of Lock No. 1, by the construction of the dam and other accessories, and to Lock No. 2 and the others in their numerical order as far as the sum appropriated will go.	
Respectfully submitted,	

M. T. BRYAN, Chairman,  
F. F. PIERCE,  
A. R. GOHLSON,  
A. P. JACKSON,  
W. C. COLLIER,  
C. C. SLAUGHTER,  
EDWARD BUFORD,  
Committee.

Here it is seen that Colonel Adams, the engineer, states the freight charges by these improvements will be reduced from "40 to 50 per cent." This of itself will be a great blessing to the people of Tennessee and Kentucky. Colonel Adams further states:

It seems impossible to urge the cost that has first been indicated with too much vehemence, being apparently the only way of securing a return for the expenditures already incurred and may hereafter be incurred within a reasonable time and for a reasonable additional outlay. I do not hesitate, therefore, to ask for the entire sum that will be required to carry the lower-river scheme of improvement to completion at an early date—

his idea being to improve the Lower Cumberland complete and at the same time finish up the work at Locks 7 to 1 inclusive, the total cost being for the 7 locks about \$1,200,000.

In the brief time I have it will be impossible to exploit the resources of Tennessee and Kentucky that will be carried on the Cumberland when thus improved.

Mr. Chairman, there is not a fairer land in the world than that through which this river courses. It begins in the Cumberland Mountains in East Tennessee and passes through the magnificent coal, iron, and forest lands of that country that are yet practically untouched, on through the blue-grass region of Tennessee, thence through western Kentucky to the Ohio. So great are the possibilities for capital in East Tennessee, near the Cumberland, that capitalists are now building a railroad from Nashville up through that country to Knoxville, connecting with the roads that come from Cincinnati, showing again how solicitous we are about getting competitive rates and a new way of getting to and from Nashville by way of Cincinnati and Knoxville on east. The people of Nashville have been so solicitous for this road, Mr. Chairman, that they have twice voted a subscription of \$1,000,000 to build a new railroad to the city of Nashville and through this eastern country, the Upper Cumberland Valley, that we might get what might be known as commercial freedom.

They have made sacrifices that they do not want to make under ordinary circumstances, but in this case did so to procure and protect their commercial liberty. They voted this appropriation of a million dollars by a vote of about 5 to 1. I believe in the first election there was some defect in the charter and our people were so anxious that immediately another charter was procured and they went back to the poles and again registered their will, determined as they were to have this railroad, even if they had to tax themselves. They wanted commercial freedom. So they voted it again, and this road is now being built to these rich forests and coal and iron fields in the Upper Cumberland Valley.

Mr. Chairman, if the improvement upon the Cumberland River above and below Nashville is made, as it should be, the benefit will be general. Every section of the country west of the Mississippi is more or less concerned with Tennessee commercially, socially, professionally, or otherwise. We have more educational institutions there than any other city in the world of its population, I believe, and students from everywhere come there to school. We have great stock farms. Our stock farms are of the finest in the world.

People from all over the world come there to buy stock. We have great timber lands and iron fields and coal fields, so that if we can get this improvement we will get a return in the way of cheaper freights for the farmer as well as the merchant.

As it is, there are dams in the river, but they are not worth a nickel as they stand. They are there in the river, turning the current first to one side and then to the other, interrupting what commerce there is along the Cumberland River—but there they stand, silent sentinels, notifying us that Uncle Sam has stopped, as it were, never to appropriate again another cent toward completing them.

Now, Mr. Chairman, you know it is a bad business proposition for a man to plant his crop and then go away and leave it, even if there is a fence around it. The Government has planted this money, has constructed this masonry from rock culled right from



the banks of the river. It was not necessary to haul it a hundred yards; and yet, Mr. Chairman, in the wisdom of this great committee they have failed to make an appropriation to complete this work, and rest the matter simply by giving us \$5,000 to maintain it in statu quo.

I believe, Mr. Chairman, that when this committee reflects over this matter as seriously as I have, and as my people have, they will in the future go on up the river as they have started, completing the locks from Lock No. 1 to No. 7, at the same time continuing the improvements in the Lower Cumberland, about which Colonel Barlow in his report says:

From an engineering point of view the survey seems to thoroughly establish the feasibility of the improvement of this river by locks and dams as far down as Big Eddy Shoals, and as a continuance of the method now in progress above Nashville it would appear to be worthy of adoption, similar commercial reasons applying to both sections. The language used in my preliminary report of September 10, 1888, upon this question seems specially applicable and is as follows:

"I respectfully report that in my opinion this lower section of the Cumberland River is 'worthy of improvement' even to the extent of establishing locks and dams thereon, if found necessary, after a complete instrumental survey of the river below Nashville has been made.

"The public necessity and convenience subserved by the radical improvement of the Lower Cumberland would be the opening up of the vast and varied mineral and forest resources of the Cumberland Valley to navigation, and if to secure this benefit to the fullest extent it is found necessary to construct locks and dams, it would constitute but the extension of the lock and dam system of the Upper Cumberland to the lower river; only an accurate instrumental survey can determine whether such canalization is absolutely necessary.

"The commerce of the Cumberland River extends to the most important points of the Mississippi system, and it is thought that this commerce will continue to largely increase as the river above Nashville is improved, by reason of heavy shipments seeking the western waterways."

Special commercial statistics are not appended to this report for the reason that such a compilation is preparing by a committee of citizens appointed for the purpose, with the intent of submission to the War Department and Congress. Such data will be submitted hereafter, as soon as they become available.

Reports of Mr. C. A. Locke, assistant engineer, and Mr. B. B. Smith, assistant engineer, are transmitted herewith.

Very respectfully, your obedient servant,

J. W. BARLOW,

Lieutenant-Colonel, Corps of Engineers.

The CHIEF OF ENGINEERS, U. S. A.

*Estimate for locks and dams on the Lower Cumberland River.*

[From Lock No 1 to the Big Eddy, 144.5 miles; fall, 68 feet.]

Number of lock.	Distance from Lock No. 1 (miles).		Earth and gravel excavation, at 30 cents per cubic yard.		Solid rock excavation, at \$1.50 per cubic yard.		Slope wall, superficial yards, at \$2.50 per yard.		Abutment masonry, at \$10 per cubic yard.	
	Distance (feet).	Lift (feet).	Cubic yards.	Cost.	Cubic yards.	Cost.	Superficial yards.	Cost.	Cubic yards.	Cost.
A	37	11.5	39,000	\$11,700	1,500	\$2,250	7,000	\$17,500	1,000	\$10,000
B	46.4	9.2	51,000	15,300	(*)	1,000	3,000	7,500	300	3,000
C	58.5	9	35,000	10,500	800	1,200	5,000	12,500	300	3,000
D	80.7	8.7	46,000	13,800	(*)	1,000	5,000	12,500	700	7,000
E	101	10.3	10,000	3,000	22,000	33,000	3,500	8,750	960	9,600
F	130.5	11	67,000	20,100	4,000	6,000	6,000	15,000	1,000	10,000
G	145.5	10	60,000	18,000	1,460	2,190	4,000	10,000	-----	-----
Total	69.7	908	308,000	\$92,300	32,700	\$49,050	33,500	\$83,750	3,960	\$39,600

Number of lock.	Dams (linear feet).		First-class lock masonry, at \$10 per cubic yard.		Crib-work approaches (linear feet).		Cost of gates, maneuvering appliances, grounds, buildings, etc.	Contingencies, at 20 per cent.	Total cost of each lock.
	Linear feet.	Cost.	Cubic yards.	Cost.	Linear feet.	Cost.			
A	575	\$28,750	9,640	\$96,400	200	\$9,000	\$29,500	\$40,000	\$245,100
B	580	32,000	9,870	98,700	200	10,000	27,500	38,000	230,000
C	500	24,000	11,700	117,000	200	10,600	27,500	40,000	246,700
D	500	22,800	11,000	110,000	200	10,000	27,500	40,800	247,400
E	420	45,600	9,050	90,500	200	5,400	23,500	46,000	268,300
F	500	55,250	10,330	103,300	200	10,000	29,500	50,000	299,050
G	500	18,000	11,510	115,100	250	14,000	28,500	41,600	246,800
Total	3,150	\$226,400	73,100	\$731,000	1,450	\$69,000	\$198,500	\$296,400	\$1,783,350

\*Dressing.

Estimated cost of locks and dams, \$1,783,350.

Mr. LEWIS of Georgia. Mr. Chairman, I rise merely for the purpose of asking permission to extend in the RECORD the remarks I made this morning.

The CHAIRMAN. The gentleman from Georgia asks unani-

mous consent to extend in the RECORD the remarks he made this morning. Is there objection?

There was no objection.

Mr. BURGESS. Mr. Chairman, the speech in this House on yesterday by the distinguished gentleman from Iowa [Mr. HEPBURN] offers, so to speak, a gleam of sunshine in the clouds of extravagance that hang about the Capitol under the present régime, but I regret that, in my judgment, when the gentleman fired his shot he selected as a target that bill the least subject to attack of any of the bills that have been or will be offered during this session.

The gentleman criticises the composition of the committee, saying that it is made up of gentlemen from whose districts come clamorous appeals for appropriations at the hands of this committee. This criticism is without point, unless the insinuation is to be indulged in that these men yield to these clamorous appeals against the real interests of the country and by combination pilfer from the Treasury amounts in excess of the just deserts of these various projects. For one I do not believe that insinuation to be justified with reference to a single member of the committee, and for my part I believe the policy in making up the committees of this House, upon this or any other matter, is the wiser one, that you select the members, both of the majority and of the minority, best informed in reference to the matters that are to be discussed and acted upon by the committees thus raised. Of course it is necessary, if that policy be adopted, that the men should be of honor and character, and then the country will get the benefit of intelligent, accurate knowledge honorably applied to the subjects that will be discussed before the committee and presented by it to the House.

As if to hedge against the possible sting involved in his criticism, the gentleman from Iowa [Mr. HEPBURN] compliments the distinguished chairman of the committee that reported this bill to the House, in which, as a Democrat, I heartily concur. No man that has been brought in touch with this committee will deny that its chairman is peculiarly fitted for the arduous and important duties of this great committee. It is amazing how this man carries in his head the minute details of all the different projects that come clamoring before this committee for recognition from all over the country. It is amazing how he can know as much about the different projects involved in a State as the member from the State itself.

There is no doubt about that, and I take it that his compliment to the chairman is equally true of the other members of the committee so far as honor, character, and conscientious desire to serve the whole country is concerned. That is my opinion. I can not speak from accurate knowledge of many members of the committee, but I can speak from accurate, extended, and familiar knowledge of one of its members, who comes from a State having as many clamorous interests and as vitally interested in this bill as any other State in the American Union, and whose prospects in the future to be subserved by these improvements are, in my judgment, in excess of any other State or Territory in the Union. I do not need to defend the member on this committee from Texas. He is known too well in Texas, and I will not insult the character of the constituency that I in part represent by giving any eulogy of "TOM" BALL, as he is familiarly called.

A word in reference to the merits of the measure. The gentleman from Iowa asks, as if he posed and staggered every man in this House, "Where will the end be if we go on appropriating millions for deepening the harbors of our country?" Why, that question can be asked with reference to every other appropriation bill that comes before this House, for of necessity they must increase with the growth and development of the country; and the best answer to it is the answer made by the chairman of the committee when he opened the discussion in reference to this bill and gave a comparative statement of the growth and augmentation of appropriations for various other purposes in comparison with the increase of appropriations for this purpose, which shows conclusively that up to date we have been making the vital mistake of repeatedly running our hands too deep into the Treasury in every other line except the most important one, which is for the development of our waterways and the harbors of our country, which lead to the commercial supremacy of the greatest republic in the world.

It is my honest, deliberate conviction that the whole people who bear the burdens of taxation receive more direct, substantial benefit by the expenditure of the dollars carried in this bill in proportion than in any other expenditure of the Government, and that the benefits are more widely and evenly distributed than by any other appropriation. The whole subject may be summed up in a breath. Every honorable man recognizes that the future of this country is largely dependent upon its commercial and industrial life. We have reached the point now when the competition of the home market by the improvement of our interior traffic lines and transportation and investment of capital and all



of that has become keen, and of which the people would largely get the benefit, except for some trade restrictions of which I have not the time to speak now. The time is now coming when we must enter across the oceans into the keenest international competition that the world has ever seen.

Shall we be supreme there? Shall we go on and on building up a tremendous balance of trade in our favor that has helped to produce the marvelous prosperity in this country unparalleled heretofore in our history? Nothing can contribute to that end by legitimate means better than dollars rightly expended for the deepening of our harbors, in inviting mightier ships, in shortening the waterways, inviting competition between competing railroad lines reaching the different ports of the country, and thus furnishing quicker and cheaper transportation for the cargoes that shall be sent to foreign markets. That is the problem that confronts the honorable statesmen of to-day of this country—how best the interests of the commercial and industrial system of this country can be subserved in transportation.

I have read with much interest and with close and keen attention the debate at the other end of this Capitol with reference to the ship-subsidy bill, which recently passed that body.

And it has occurred to me with overwhelming force that nearly every argument that was offered in favor of that bill applies with double force to the appropriations of this character, and that none of the objections urged there against that bill apply with any force against this bill. I am a believer, Mr. Chairman, in the statement that "competition is the life of trade." I have no patience with the man who argues that the development of the rivers and harbors of the country constitutes a menace to railroad interests and breaks up railroad transportation. I admit that it brings about competition, and it ought to do it, but that competition is rightful, just, wise, and beneficial to the interests involved, as well as to the country at large. [Applause.]

Mr. BURTON. Mr. Chairman, in closing the general debate I can not omit to extend my thanks to the gentleman from Iowa [Mr. HEPBURN] for his kind words of commendation. Such words of commendation are especially gratifying when coming from a member of so long and eminent service in this House. My hope is that the gentleman from Iowa may yet serve long enough in this body to vote for a river and harbor bill. [Laughter.] But what he said, Mr. Chairman, is not complete without giving equal praise to the other members of the Committee on Rivers and Harbors. No subordinate organization or any committee in this House has worked more faithfully or earnestly for the public good—I think I may say this without fear of contradiction—than all of the members of that committee.

If there are improvements in this measure over prior bills, these improvements would not have been possible without the concurrence and cooperation of the 16 men who have labored with me. As I stated in presenting the bill, for two months, almost daily, from half past 10 in the morning until half past 4 or 5 in the afternoon, we have been working upon this bill. We have tried to eliminate from it that which does not belong there and to include that which should be there. We have tried, if necessary, to face the possibility of public clamor if we were right. We have tried to omit those items which were subject to just criticism, and if I deserve the friendly words of the gentleman from Iowa, my colleagues on the committee deserve them as well.

I can not quite agree with the gentleman from Iowa [Mr. HEPBURN] in some of his objections to this bill. The one to which I wish to call attention particularly is that with reference to the increased depths of the harbors in the United States. In my judgment there is no more important improvement required in the river and harbor bill. The gentleman from Iowa himself called attention to the increase in the capacity of freight cars from 10 or 20 tons for each car to 50 tons. Should the freight car increase in its carrying capacity, and the ship on the ocean, while invention and progress are making their influence felt, not increase along with it?

If railway managers were not content to stop with freight cars of 20 tons capacity, and so improved their tracks, their motive power, and the size of their cars as to give them 50 or 60 ton cars, ought the capacity of boats to remain at 4,000 when it can be increased to 20,000 tons? Ought we to stop with 20 feet of depth of water in the harbors when boats are already in sight that may draw 40 feet? There is a very interesting document, which if I had with me I would ask leave to have printed as a part of my remarks, by E. L. Corthell, an engineer of prominence and of reputation in other countries as well as in this, in which he forecasts the size of boats for the next half century, and makes the estimate that in the year 1950 the boats that carry the major part of the freight between the great ports of the world will draw 50 feet.

Now, this is largely conjectural, it is true; but that man would be at the same time a very bold man and be possessed of a deal of inertia in his temperament who would deny that such an advance could not be made. Take the improvements by the tele-

phone and the telegraph—by the telegraph within sixty years and the telephone within thirty years. Not only in means of communication, but in all the qualities of a progressive era the whole face of the earth has been revolutionized by these inventions. Is it probable that we shall stand still in maritime architecture, in the size of boats? It is no captious disposition of the boat owners that causes them to build vessels of larger capacity and deeper draft. It is in response to the demand of the times for larger capacity and safety in the construction of vessels. The truss model is the one now adopted. The prairie schooner is not a good model for an ocean steamship. The naval architects have found the truss model to be the best, because it gives greater steadiness and capacity to the boat.

I mentioned in my remarks last winter several ships of 35 feet draft. They were the *Oceanic* and the *Cymric*, of the White Star Line; the *Minneapolis*, of the Atlantic Transport Line, and the *Kaiser Wilhelm*, of the North German Lloyd Line. Each one of these ships could be loaded to a greater capacity than 35 feet. We say we make no mistake in providing a depth of 40 feet in New York Harbor; we have made no mistake in providing or seeking to provide a depth of 35 feet in Boston Harbor.

There is a factor of safety to be considered in this connection. An ordinary depth of 35 feet in the channel does not provide for a 35-foot vessel, because the waves oftentimes cause the boat to go up and down, and even in a smooth sea—as smooth as a mill pond—a boat cuts a course. The prow goes ahead and turns the waters to the right and left, and the stern sinks toward the bottom, "sucking the bottom," as it is called by mariners. So that whenever there is a grounding, unless the boat runs "head on" against a rock, or gets out of its course, it almost always strikes at the stern, rather than at the prow, because in the course of the boat a sort of hollow is made, greater as its rapidity is greater.

We shall, I think, in the future, keep pace with the progress of the times by increasing the depth of the channels everywhere. In this movement we can not stop.

Now, I wish to call attention to some of the objections which have been made by other gentlemen to this bill. Two gentlemen from North Carolina in the course of this discussion have stated that their State in this bill receives only \$277,000; and they claim that this is "discrimination."

I want to call attention to certain facts, and in doing so I do not say anything whatever to decry the importance of the State of North Carolina. We have all heard of its great growth in cotton spinning and in the manufacture of furniture, of its undeveloped resources, and of the commercial awakening among its people, but if you look at the official reports you will find that the aggregate of water-borne tonnage on every river and every harbor that is being improved by the Government in North Carolina is 2,400,000 tons per annum—a little less than that. Eleven members of this committee represent States having one, two, three, or four rivers or harbors with a much larger tonnage than the whole State of North Carolina.

My own city has three times as great a water-borne tonnage as the whole State of North Carolina. Sixty-five miles to the east of us is the town of Conneaut, of which many gentlemen may never have heard, but which has 700,000 or 800,000 tons more than in the whole State. Fifty-four miles to the east is the town of Ash-tabula with 5,500,000—more than twice as much as the whole State of North Carolina. Then there is Fairport, 28 miles away, with nearly as much; and Lorain, 26 miles to the west, well up to as much, and Toledo with very nearly twice as much as the whole of that State. In the State of New York there is not only the city of New York, but several other harbors, as well as channels, having three, four, and five times as much tonnage as the whole State of North Carolina.

Let us look for an instant at the city of Philadelphia. It is 56 miles from that city down to the deep sea. It has a total tonnage of 22,000,000, nine times as much as the whole State of North Carolina, yet the single port of Wilmington, N. C., has received in the aggregate appropriations from this Government of \$3,200,000—\$300,000 more than has been expended for the channel from Philadelphia to the sea, although that channel has, as I have said, nine times as much tonnage. The city of Wilmington, with its 697,000 tons, I believe, has received \$500,000 more of appropriations from this Government than my own city that has twelve times as much tonnage. I do not really see, when we come to count the past and join it with the present, that North Carolina has very much to complain of.

Why, Mr. Chairman, an engineer told me that some years ago, when a Senator of that State was chairman of the Committee on Commerce of the Senate, an appropriation of \$50,000 was made for a certain improvement in that State when \$10,000 was on hand and it was all that could possibly be expended in two years. Do all that could be done, there was no place on the river where they could expend that \$50,000.



There has been no discrimination against this State because of its having no member on the committee. There is a great project of locks and dams on the Cape Fear River, up to Fayetteville, to cost \$1,620,000.

Now, this committee has decided that it is best to go slow in the building of locks and dams. We have projects of this kind in the country the aggregate cost of which would be over \$150,000,000. We have recommended to cease building locks and dams on the Coosa; we have recommended to cease building them on the Cumberland above Nashville; we have recommended that we will merely finish or partly finish one on the Upper White River. We have adopted only two projects that are new and those comparatively inexpensive, \$350,000 for the Trinity and \$450,000 or thereabouts for the Ouachita, on both of which rivers complete results would be obtained at a comparatively small cost.

A gentleman appeared before us on behalf of this project, and I was very much pleased at some of his arguments. He was telling what an enormous tonnage they would have at Fayetteville if the locks and dams were built. He went on the theory that the commerce that was right on the ocean side would come out to Fayetteville just for the fun, I may say, of being hauled down through those locks and dams. It is wise to scrutinize projects before we adopt them. A 4-foot navigation, as I said in the opening, or a 6-foot or an 8-foot, where there must be numerous locks and dams, is a very doubtful experiment. It is a question whether it would pay. It is a question whether it would not be an unnecessary expense and waste of money. A conclusive argument against this is that we have adopted no new project like this, and this one is not in the same class, by any means, with those for which we have appropriated money in this bill.

I do not know that I understood the gentleman from Tennessee [Mr. GAINES] to find fault that greater appropriations were not made in his State for the Cumberland River. If he did, I want to call attention to two bills that he has introduced in the House this session. One is No. 3167 and the other No. 3163. In one of them he asks \$55,000 for Lock No. 1 and in the other \$90,000 for the completion of Lock A, at Harpeth Shoals; in all, \$145,000. So the committee has done him a blessing against his will, because they have included recommendations not merely for \$145,000, but for \$275,000, and \$10,000 for maintenance thrown in—very nearly twice what he asked in his bills that were presented here.

The committee thought it best to finish as far as possible the improvement of the Cumberland River from Nashville to the mouth, but as regards that portion above Nashville, where an expense of \$6,800,000 will be required to complete the work, we do not think it best to enter upon it at this time, not even if there are unfinished locks and dams there, because it would be, in my judgment, a waste of public money. There are some problems in transportation now that are working themselves out. That is the relative share of tonnage that shall be carried by railways and by waterways. There is an incidental question which is of course of very great importance, and that is how far waterways affect freight rates.

But if we were to listen to some arguments it would lead to the conclusion that to make a \$2,000,000 railway charge reasonable rates you must spend \$10,000,000 in the building of locks and dams of the most expensive quality. The problems ought to adjust themselves naturally and easily. There are different kinds of service rendered by the railroad and by the waterway. Neither one can intrude upon the province of the other without loss. When they parallel each other, as in the case of the New York Central Railroad and the Erie Canal, each benefits the other, and the question as to what kinds of freight each shall carry is very readily solved—which affords the natural means for carrying freight at the cheapest cost?

When there is a railroad route between two cities, and in order to get water transportation between them it is necessary to canalize a river at great expense, it is not worth while to do so, even if it does have some bearing on freight rates. There is a simpler remedy, and that is through legislation by Congress or by the States, compelling the common carrier to do its duty. It is not right to come to Congress and say: "You must, by a method which is wasteful from a broad economic standpoint, compel the railroad to do that which we are not willing to do by legislation in our own State or in Congress."

Mr. GAINES of Tennessee. Will the gentleman pardon an interruption?

Mr. BURTON. Certainly.

Mr. GAINES of Tennessee. I did not catch the first part of the gentleman's remarks, but from what I have heard I think that the gentleman from Ohio misunderstood what I said a moment ago. I made no complaint whatever. I do not now, for what you have done for Harpeth Shoals and Lock No. 1, that is just below Nashville, your purpose being, as my purpose is, to complete those two locks; but what I desire—and without undertaking to criticize it at all, and if the gentleman undertakes to

state that I think if he will read my remarks he will find them to the contrary—was to have Congress appropriate enough money to finish up the other five locks, because the dams are there and are in the way of navigation, because incomplete.

Mr. BURTON. Of course on that I desire to say that because the Government has expended money on a public work, say, a third of the cost, and finds then that the greatness of the cost will render it wasteful, the committee has thought best to stop further expense, further waste—that is, if \$100,000 has been wasted, it is not worth while to waste \$200,000 more. I certainly absolve the gentleman, however, from any neglect about his project, because he called at the committee room. I was merely calling attention to the bills which he introduced.

Mr. GAINES of Tennessee. The gentleman will bear me out in this: That that project above Nashville, as well as below, and particularly above, has been passed on time and again and approved by the committee or the department that approved the two locks that the gentleman is now appropriating money to complete.

Mr. BURTON. I recognize that, and I recognize the further fact that we have about \$350,000,000 of projects before us that have been approved or recommended, and we can take up only a comparatively small share of them.

Now, I want to pay some little attention to the arguments in behalf of the Coosa River. One gentleman in the discussion made this statement:

Now, Mr. Chairman, that statement of the chairman of the committee was incorrect in this: He says that for several years past no appropriation has been made for the prosecution of this project.

Now, if by this statement he meant to refer to the fact that no bill or appropriation has been passed for the purpose of continuing the work on the project, that is correct.

What incorrect statement did I make? Of course, in the great number of figures and facts to which I must refer, I am very likely to make an error, and I want to be corrected if I do so; but I certainly made no error in this statement. Let us see the ground on which the gentleman bases the conclusion that an error was made. He says:

I refer him to page 52. I believe, of the bill which his committee reported two years ago. He will remember that the very language almost of the amendment which I have given notice I shall offer was inserted in that bill.

Now, passing by the fact that it was not two years ago, but one year ago, for that is a minor error, the gentleman seems to think that because a bill was introduced here which failed to become a law, that was an appropriation. I repeat the statement that no appropriations have been made for this project for several years. I am willing to take the responsibility for that. It was the very first item I noticed when I became chairman of the committee in December, 1898, that I thought was extravagant and wasteful. The fact that an item was inserted in the last bill is no reason why it should be inserted in this. The committee have not been working upon this bill for two months to no purpose. We have been seeking to eliminate some items which do not belong there.

Mr. BURNETT. It is a fact, however, that that committee and the committee of the Senate did recommend \$175,000.

Mr. BURTON. I have already sufficiently answered the gentleman on that. I said, and I repeat it, that the fact that it was inserted in the last bill is no reason why it should be inserted in this bill; that this committee has not given two months' study to this bill to no purpose. If the gentleman had paid attention, he would have heard my statement.

Mr. BURNETT. But at the same time this committee recognized the importance of that work enough to incorporate an item of \$175,000 for it in the last bill.

Mr. BURTON. They did not appropriate it; they inserted it in the bill.

Mr. BURNETT. And it passed the House, passed the Senate, passed the conference committee, and was defeated in the Senate because it was talked to death by a Senator.

Mr. BURTON. I conceded all that.

Mr. BELLAMY. May I interrupt the distinguished gentleman?

Mr. BURTON. I have but very little time. I think I shall have to ask the gentleman to defer until we come to the five-minute debate. He will then have opportunity, no doubt.

Mr. BELLAMY. It is simply a question.

Mr. BURTON. Certainly.

Mr. BELLAMY. It refers to a statement you made on the floor which I think ought to be corrected. You stated that the harbor of Wilmington had received \$2,300,000 in the course of its history, which was a great deal more than the State of Pennsylvania from Philadelphia down to the sea had received, if I understand. Now, if the gentleman will look at the last report of the Chief of Engineers of the United States he will see four items for the Delaware River, one for the Delaware Bay, near Lewes, \$380,000—

Mr. BURTON. I do not know that I made my statement sufficiently explicit, but what I referred to—

Mr. BELLAMY. Another for the Delaware breakwater,



\$2,807,000; another for the harbor of refuge, Delaware Bay, \$1,304,000, and the fourth, for the Delaware River, \$2,986,000, which amounts to \$7,000,000 alone for four items.

Mr. BURTON. I said for the channel from Philadelphia to the sea—56 miles. The Delaware Bay breakwater is not a part of that improvement. There is a harbor of refuge for boats, if they desire to resort to it from anywhere along the coast. Now, I can not yield to the gentleman further, and he must excuse me, as I have very little time.

I want to talk a little about this Coosa River project. The estimated amount for its completion is, for the lower 68 miles, \$4,916,320. I have with some pains sought to obtain the assessed valuation of the counties bordering upon this portion of the improvement. They are the counties of Elmore, Chilton, Coosa, Shelby, and Talladega, of which the total assessed valuation of the real estate is about \$8,000,000, according to the census of 1890. The rate of taxation there in rural counties, I am told, is about 1½ per cent at the very outside.

Mr. BOWIE. Will the gentleman allow me?

Mr. BURTON. Certainly, although I am very much pressed for time.

Mr. BOWIE. I will state that the gentleman's figures are very much in error in regard to the assessed value of those four counties.

Mr. BURTON. If the gentleman will notice they are the official figures taken from the census of 1890.

Mr. BOWIE. The census?

Mr. BURTON. From the census of 1890.

Mr. BURNETT. That was twelve years ago.

Mr. BURTON. That is true. These are the latest available figures, as I believe. The county of Elmore has an assessed valuation for real estate and improvements, according to the census of 1890, of \$1,444,033; the county of Coosa an assessed valuation of \$789,826; the county of Chilton, \$768,378, making a total of about \$2,800,000. Then the river runs into the counties of Talladega and Shelby, this improvement extending about three-eighths of the distance on the boundary line between those two counties. That would make the total assessed valuation of real estate in counties bordering this improvement between \$5,000,000 and \$6,000,000.

Mr. BURNETT. These figures are stated to have been made twelve years ago.

Mr. BURTON. Oh, yes; that was twelve years ago, and I hope they have grown a good deal since then.

Mr. BURNETT. What are the figures according to the present census? Are they not available?

Mr. BURTON. The present census has given no publication of any figures on this subject that I am aware of.

Mr. BURNETT. Are there no bulletins showing it?

Mr. BURTON. Not that I am aware of. I sent to one of the departments of the Government, and I will say for the benefit of the gentleman that I take it for granted they have sent the best information available. The information was sent about ten days ago. If the gentleman can find any better information I shall be very glad.

Mr. BURNETT. If the gentleman wants it we will furnish the tax books of the counties.

Mr. BURTON. One and one-fourth per cent on a total assessment of \$8,000,000 would make about \$100,000 per annum if we include the whole of the assessed valuation of the real estate of those counties through which this improvement passes. That means that the Government of the United States is asked to expend an amount equal to the taxation upon real estate in those counties, portions of which are not touched by this improvement at all, for fifty years and more. Now, then, gentlemen, we think it is about time to draw the line when we come to an improvement so expensive as that. When we turn to this river we find that the amount of tonnage is 33,000 tons a year, about a day's tonnage in a great port in the rush season.

I have become accustomed to find my mail abounding every day in criticisms, sometimes amounting to abuse, of the chairman and the members of our committee for unfriendliness and moral perversity. Gentlemen of the committee, I am perfectly willing to take the obliquy, and the members of the Committee on Rivers and Harbors are perfectly willing to share the obliquy with me of pointing out what would result from this kind of an improvement. At great length some gentleman spoke of how near this Coosa River is to Birmingham. Why, the nearest point on the upper portion of the river is 25 miles from Birmingham, and here I presume the gentleman will say I am making an inaccurate statement. But I rely on Rand-McNally's Atlas. The map lays down two lines of mountains, the Oak Mountains and the Karr Mountains, in the territory between Birmingham and this river, one ridge being an extension of the other.

Now, let us see how much validity there is in the argument that the opening up of Coosa River is going to benefit Birming-

ham. I find that city is 25 miles away from the nearest point, and a range of mountains between. Then, again, the improvement we are asked to make is to reach coal fields. We are now improving at great expense the Black Warrior, the Warrior, and the Tombigbee. These are the natural outlets from Birmingham coal fields, extending to the south and west. The expense will run into the millions of dollars—three, four, or five millions—and is it right for one State to ask that within 40 or 50 miles of a stream that you are improving at such an expense we should prosecute another improvement that will cost six millions?

Mr. BURNETT. How far are these apart?

Mr. BURTON. Some considerable distance; but in one case, the Coosa, there is a range of mountains between them, and in the other, the Black Warrior, it is in the same valley, and comparatively easy of communication. The Black Warrior River reaches coal fields already in operation. The coal on the upper portions of that river will be reached by the canal and locks.

Mr. Chairman, the Committee on Rivers and Harbors are willing to face criticism upon this bill. I have never asked any member outside of this House to vote to retain any item that is in this bill; but in private conversations outside I have frequently requested members not to allow any further item to go in. We prepared this bill with our best endeavors for the benefit of the country, and for the whole country, bearing in mind all portions of it—not considering any Mason and Dixon's line, or any section of it. With these remarks, gentlemen of the committee, I submit this bill to you, and now ask that it be read under the five-minute rule.

The Clerk read as follows:

For improving said harbor in accordance with the report submitted in House Document No. 119, Fifty-sixth Congress, second session, by providing channels 35 feet deep, but modified in width so as to provide a channel 1,200 feet wide from the navy-yard at Charlestown and the Chelsea bridge and Charles River bridge to President Roads, and 1,500 feet wide from President Roads by route designated as No. 3, through Broad Sound to the ocean, \$800,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such material and work as may be necessary for prosecuting said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$3,000,000, exclusive of the amount herein appropriated: *Provided further*, That the expenditure hereby authorized shall be made with a view to securing channels 35 feet deep and of a width as uniform as possible.

Mr. NAPHEN. Mr. Chairman, I desire to call the attention of the members of this House to the grounding of the Dominion liner, *Commonwealth*, in Boston Harbor during the consideration of this bill. This is the second time she found bottom at practically the same point. Other steamers have experienced a like trouble in recent years. The Cunard Line was obliged to withdraw two large steamers, the *Saxonia* and *Ivernia*, from the Boston service. That the harbor improvements provided for in this bill are necessary has been repeatedly demonstrated beyond a question, and the recent mishap to the *Commonwealth* emphasizes the fact that they are immediately necessary. I realize that the sum you are invited to give for this purpose is large, and there will be a corresponding return, not to one section, but to the entire country. If you enable us to modernize this harbor in order that transportation by sea may be safe, expeditious, and cheap, the farmer in Illinois, the ranchman in Texas, and the planter in Georgia will share directly in the benefits.

Boston Harbor is vital to the agricultural and grazing interests, as a port of distribution for their products, and important to the National Treasury as a source of revenue. Nevertheless, it has received little attention in comparison with other harbors of inferior standing. In the coasting trade it is probably the first harbor in America—10,436 coasting vessels made the port during the year 1900 as against 9,016 at New York, 4,588 at Philadelphia, and 3,088 at Baltimore. In the foreign trade it is admittedly the second harbor in America, outranking New Orleans, Philadelphia, and Baltimore in the order named. During the year 1901 its total foreign trade was worth \$197,005,218, of which about 70 per cent, or \$131,667,890, consisted of exports. It is needless for me to elaborate on these figures. It is the only port among the principal seaports to show an increase in its exports, or in its total foreign trade during the year 1901.

With all our energies bent upon capturing the markets of the world, can we afford to neglect the just appeal of this great station, through which one-twelfth of our products bound for these foreign markets must pass? But it is the character of our foreign trade even more than its extent which lifts the proposition before you above mere sectional lines. Boston Harbor is not the port of New England alone—five-sixths of its export trade consists of products originally forwarded from the West, the Southwest, and the South. Out of the \$123,000,000, the total value of our exports in the calendar year 1900, no less than \$103,000,000 represented the aggregate of the following five staples:

Provisions .....	\$42,958,230
Breadstuffs .....	25,000,618
Raw cotton .....	15,248,006
Leather .....	10,039,200
Animals .....	9,697,753



Under this last head occurs an item which may interest members who represent the grazing constituencies.

In the shipment of live cattle Boston leads the country. One hundred and twelve thousand eight hundred and sixty-nine head were exported last year, and our losses in transit, both of horned cattle and of sheep, exhibited the usual low percentage. We are preeminently the great cattle-shipping port of the country, and as long as we remain 180 miles nearer Europe than any other large Atlantic harbor we shall maintain this position. Almost as much might be said of our shipments of grain and provisions; and not these items alone but the others which I have cited are of interest to my colleagues from the West and the South. They know as well as I, that the business of the farmer does not end to-day with mere production. If merely to raise crops from the soil meant prosperity, then Cuba, with her 800,000 tons of sugar ready for delivery, would be rich and contented, instead of poor and depressed.

Distant markets must now be sought, competitors must be undersold, the journey to the point of delivery must be swift and cheap. You can not forego a single advantage; you can not ignore a single obstacle. To conduct your foreign trade with imperfect instruments is to court agrarian disaster; and what instruments or organs are more vital than your harbors, exhaling and inhaling the life-giving breath of trade, from the internal parts of the body politic?

I have already indicated the rôle which Boston Harbor plays in this great respiratory movement. Our natural advantages are such that we are likely to improve our relative rank, as we have done, during the last thirty years; for while the export trade of the whole country has only trebled in that period, the export trade of Boston has been increased from seven to ten times. Our geographical position shortens the sea voyage to Europe many hours, and the total journey from the West correspondingly.

The harbor itself is 10 miles long and large enough to contain 50 islands, amid which sheltered roadsteads afford safe anchorage to the shipping. To these advantages of nature, commercial enterprise has added docks, warehouses, railway terminals, and every facility for the transmission of goods and passengers. A great and thriving city lines the shore, and spreads inland for a depth of many miles. Until recently it could be said of Boston Harbor that it offered no barrier to the largest vessel afloat. But the great ocean liners, sinking deeper and deeper with the weight of their huge cargoes, have at last reached the bottom in the second port of the land and render a deepening of the channel necessary.

By a project of 1892, dredging operations were begun. A depth was fixed which seemed adequate for the ships then afloat or building, and money was appropriated by Congress at various times for the completion of the plan. But the development in the size of ocean carriers has outrun all calculations and we now stand face to face with the serious problem which I shall briefly lay before you.

At mean low tide there are 23 feet 6 inches of water in Boston Harbor at its shallowest point. The largest vessels now entering draw 31 feet 6 inches when fully loaded, and since the main channel is now less than 1,000 feet wide, it is not impossible that some day we may experience a blockade more effective than that which the Merrimac attempted at the entrance to Santiago. Many days the tide does not rise to its full height, and the outgoing steamers are compelled to depart only partly loaded. Every day throughout the year they are compelled to wait for flood tide, losing valuable time, and rendering a regular schedule impossible.

You can well imagine the annoyance and the expense which are occasioned by such conditions. They are felt by passengers, by the mail service, and, above all, by shippers of produce, upon whom the burden finally falls in the form of inferior service and added rates. A partly loaded steamer, can not give such favorable terms as a fully loaded one; a delayed vessel, can not reach her destination so quickly as one that has free egress at all hours of the day and night. I need not picture to you the positive danger of ingress and egress, to and from such a harbor, for the huge liners which carry so much of our precious merchandise. It suffices to point out that this peril also translates itself into economic terms, and like all the other conditions described, will sooner or later act as a check upon our growing export trade, for this trade will progress, or stand still, with the increase in the size of the ocean carriers. Every foot added to the length and depth of these great vessels, makes the journeys of our goods to market cheaper.

Twenty-five years ago the largest ships were of 2,500 tons. To-day they are of 12,000 tons and more, and the rates have been divided by four; it is the law of wholesale, as against retail prices, acting with mathematical accuracy. This law will continue to act in the future until the limit of size is reached, and we can not afford to handicap our commerce, by refusing entrance to the cheapest carriers.

In order that these ships may enter with ease, a permanent improvement has been projected, calling for this expenditure. In proportion to the result obtained the sum is small; for with that outlay, according to the plans of the Government engineers, a channel from 1,200 to 1,500 feet wide and 35 feet deep at low tide, and 44 feet and 6 inches at high tide, can be dredged.

I do not believe that any road, or tunnel, or canal, can be constructed in any part of our country, which will bring the same return for the outlay, as this deep-water avenue. Its influence will be felt immediately in the freight charges at our port, which now amount to some fifteen or twenty millions annually. Supposing the improvement to extend its benefit over a period of twenty years. Its total cost under the estimate will be less than 2 per cent of the freight charges on cargoes leaving and entering Boston during that time. The saving effected by it will certainly be many times the cost.

There is another table of comparisons, which may fairly be made, before you judge the relative magnitude of this appropriation.

What have other harbors received as compared with Boston Harbor, and what has been their return for the outlay? I find that the harbor at Galveston, in twenty-nine years ending with 1899, received \$8,528,000 from the National Treasury. The harbor of Savannah, in seventy-three years, received \$6,434,869. The harbor of Charleston, in twenty-one years, received \$4,302,500. About \$20,000,000 has been spent upon these three minor ports, while Boston, in seventy-four years, received less than four millions.

Comparing our trade with theirs, it is difficult to see a reason for such discrimination. Comparing our revenues with theirs, the discrepancy becomes monstrous. During 1899 the revenue collected at the port of Boston amounted to \$15,365,858. Those collected at Galveston amounted to \$152,693. Those collected at Charleston, \$96,014. At this rate it would take Galveston fifty-six years to pay back in revenue receipts what she has obtained from the Government, whereas Boston pays back every seventy-five days all she has received in seventy-five years.

For the fiscal year ending June 30, 1900, her customs receipts were about nine millions more than was received during 1899 at Charleston, Galveston, Savannah, New Orleans, Baltimore, San Francisco, Mobile, Los Angeles, and a dozen other large ports combined. Neither to the export trade nor the National Treasury do these three Southern harbors render service in any way comparable to those of Boston. Why, then, should the National Treasury supply to them five times as much for harbor improvements as to Boston? And why should the exporters of the West lend their sanction to such discrimination?

The harbor and land commissioners of Massachusetts, in their annual reports, have repeatedly urged the necessity of this undertaking, and members of the commission have laid the matter before committees of Congress in detail. Compare what is requested for Boston Harbor with what has been expended in the case of some of the ports of Great Britain. In the improvements at Plymouth \$7,000,000 has been expended; at Holyhead, \$3,500,000; at Portland, \$5,000,000; on the Clyde, \$30,000,000; on the Mersey, \$82,000,000; on Manchester Canal, \$80,000,000. The least of these sums is far in excess of what is now asked for Boston.

It is not a blind and costly experiment which you are invited to consider. Local and national interests here coincide in a great commercial opportunity. The goods delayed at the ledge in the outer channel of Boston Harbor are our own goods—the product of our own farms, forests, ranches, and plantations. Every cargo in the large vessels equals a loaded train more than a mile long, and a delay of six hours in its departure is as serious as a corresponding stoppage at some great railway center would be.

Delays and irregular service, partial cargoes and dangerous egress, smaller vessels and higher freight charges—these are the drawbacks which must be suffered if the necessary steps are not taken to remove this obstacle.

Picture the impatience of the great vessels to enter this port of refuge, and the vexatious, tantalizing, and dangerous delays which may be occasioned by the conditions of the tide, compelling the large carriers to toss about for hours, and perhaps unload at mid sea by means of lighters.

These are not the methods by which commerce is stimulated, nor can you promote export trade by discouraging rate reductions, particularly in agricultural products, which, from their great bulk and low price, are the most expensive of all to ship. Speed, cost, and safety, the three great elements of the transportation problem, are involved in this proposition. It is in the light of these three considerations that you should study it. There is no extravagance proposed; no ornamental and unnecessary outlay; nothing which bears the least semblance of political color. The measure is a business proposition, broad, simple, sound, and sane.

It is well within the truth to say that the freight charges upon



cargoes leaving and entering Boston Harbor during the next twenty years will be \$500,000,000. Out of that figure you can reckon the percentage of the amount which you are now asked to spend.

In voting this sum, you will render it easier for our farmers to compete abroad, and give for all time, a proper naval highway to the second harbor of America.

Mr. WILEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my colleagues [Mr. THOMPSON and Mr. BURNETT] have so fully covered the entire field of rhetoric and logic in describing the pressing importance of completing the work of improvement, once happily begun, on the majestic water course which flows through their respective Congressional districts I find that little has been left for me to say upon this interesting subject.

The people whom I have the honor to represent here, living along the Alabama River, of which the Coosa is a tributary, are vitally interested in the uninterrupted progress of this beneficent governmental enterprise, inaugurated several years ago, and upon which \$1,200,000 have already been expended. I would remain silent but for the fear that a failure on my part during the consideration of the pending measure briefly to reiterate some of the advantages of commanding superiority which the Coosa (for which no appropriation is made) possesses over many other rivers and streams for the betterment of which this bill makes ample provision might be construed into a lack of personal interest and zeal in the prosecution of this great project.

My colleagues have already referred to a report recently made to the Chief of Engineers of the United States Army by Captain Judson, lately in charge of this work. In the discussion of this question I shall have occasion, further on in my remarks, also to refer to this report, because manifestly this unfavorable and unjust report caused the distinguished chairman of this committee [Mr. BURTON], in answering a question propounded to him last Monday by my colleague [Mr. THOMPSON], to give expression upon the floor of this House to a disparaging opinion as to the practicability of the project to improve the Coosa River, and as a basis of his justification for declaring that "the committee regard the continuance of that improvement as wasteful to the very last degree."

I indulge no extravagant flight, either of romance or fancy, for which common sense would have a right to reprove me when I take occasion thus publicly to declare that the evidences of vast wealth, in multiform and variegated shapes, consisting of the products of the field and forest, of unlimited mineral resources, of coal and iron, of lead and copper, of marble and limestone, of mica and ocher in boundless quantities, as well as abundant gold in undeveloped mines, to be found in diversified and lavish profusion and in close proximity to the Coosa River, extending from Rome, Ga., to Wetumpka, Ala., constitute this Arcadian region, one of the fairest and most favored sections of this great continent.

Captain Hoxie, a gentleman of preeminent ability, the Army engineer to whose skill this work of improvement was first intrusted, adopted as a part of his report to General Casey (made on the 24th day of November, 1888) a statement of facts and deductions therefrom contained in a memorial addressed to Congress by the Coosa River Improvement Convention, which assembled at Montgomery, Ala., March 15, 1887, the summary of which was as follows:

The Coosa River presents the cheapest and most certain water route to the Gulf of Mexico of the coal, iron, cotton, and cereals of a vast extent of country.

The removal of the obstructions which cut in half this river, now navigable for hundreds of miles below and above such obstructions, is a national duty, in view of the commerce it would pour into the Gulf of Mexico. The opening of the Coosa would enable the Government to move munitions of war from the interior to the seaboard safely and expeditiously.

It would place the navigable waters of the Coosa so close to the navigable waters of the Tennessee that water communication between the two streams must certainly follow, and thus afford the Tennessee River and its vast tributaries an outlet to the Gulf by way of the Bay of Mobile.

He was succeeded by Captains Price and Mahan, in the order named. Both of these officers were men of recognized learning and culture. They made a thorough examination and survey of this wondrous stream, of its capabilities and magnificent possibilities, and neither of them hesitated, in terms of high praise, to recommend a continuance of its improvement and as a subject eminently worthy of Congressional consideration.

Next in the line of succession, according to my best recollection, came Captain Flagler, the immediate predecessor of Captain Judson. Before the River and Harbors Committee, in May, 1900, he testified very clearly that a channel of 4 feet uniform depth in this river (which has been denounced by the chairman of this committee as impracticable and as a useless expenditure of the public money) could easily be maintained "when once obtained," and that, in this respect, its channelization was the best he had ever seen on any river in this whole country, that it was "a very

permanent river," and that below Rome it was free from the snags and logs that are generally to be found in most Southern streams.

He estimated that with an annual outlay of \$1,000,000 these contemplated improvements could be completed in six or seven years, and he strongly recommended the work to be done under contract and carried on continuously at and from four different points along the river, so that there might be "nothing dilatory about it." He demonstrated also that three barges attached to a steamboat, each carrying 400 tons of coal, and the boat itself holding 300 tons, as a part of its cargo, altogether aggregating 1,500 tons, readily obtainable in the Coosa Valley, could easily be transported through these locks in a 4-foot channel and be delivered at Mobile at \$1.75 per ton, as against \$5, the price per ton charged for this commodity at the Gulf ports for purposes of foreign export.

Assuming his premises to be correct, his conclusion follows irresistibly, "that if coal can be brought down from the Coosa Valley at \$1.75, it can certainly be sold at a figure that will increase the national export of coal tremendously." In September, 1900, Captain Flagler was succeeded by Captain Judson, who at that time certainly concurred in the roseate but emphatic views of his predecessor. A few months later, in November, 1900, when certain gentlemen, constituting the Rivers and Harbors Committee of the House, visited Georgia and Alabama for the purpose of inspecting the Coosa River, Captain Judson himself, while enjoying the hospitalities of the communities adjacent to the Coosa and interested in the completion of this great work upon which the Government had already placed its generous and munificent hand, seated in a sumptuous apartment of the steamer *Leona*, declared to them unhesitatingly that the Coosa was an unusually favorable stream for improvement—more favorable, indeed, than even "the Mississippi, Red River, Arkansas, and other streams." [Applause.]

The descriptive adjectives then and there employed by him were of an extravagant character. Not to put too fine a point upon his language, he was highly eulogistic, to say the least of it, in his presentation of the splendid possibilities of this grand and noble river—the third most important stream, as you have been told, in the whole Southland. Subsequently, in July, 1901, he made an official report, showing that it would be both wise and profitable for the Government to continue these improvements. Now, it is not my purpose in the slightest degree to animadvert upon this amiable and worthy gentleman in anywise or manner whatever. For him, individually and officially, I entertain sentiments of warm personal esteem. He certainly can not ever complain of any illtreatment, unkindness, or discourtesy at the hand of any Southerner while residing temporarily in the hospitable city of Montgomery, where he indulged the pleasures of business and social intercourse among our best and most cultured citizens.

In view of his recent change of heart, however, we can not restrain an expression of astonishment, tinged with a feeling akin to indignation, that in his recent report to the Chief Engineer of the Army he should, without rhyme or reason, have recommended an abandonment of all further work on the Coosa River according to the plans and specifications originally adopted for that laudable purpose.

The bill reported by the Rivers and Harbors Committee of the last Congress carried an appropriation of \$195,000 for the Coosa River. We all know the tragic fate of that measure. It was talked to death by the retiring Senator from Montana. The untimely demise of this meritorious bill rendered it advisable to call Captain Judson elsewhere—away from his pleasant quarters of indolence and ease. Simultaneously with his change of domicile came a change of opinion, as shown by his report, heretofore alluded to.

Captain Judson does not claim to have made any survey or thorough examination of this river, and in his report he is compelled to admit that his predecessors, without a single exception, regarded the Coosa as preeminently worthy of improvement along its entire route. The Army officers, who preceded him in the charge of this work, were all gentlemen of learning and practical experience. Their recommendations are discarded without a word of explanation. His military brethren courted the fate which attends science and genius. Alas! alas! to their opinions is attached not even a slender claim of respectability. They have been seen and heard, but are now forgotten. They came like the shadows, only to depart.

Their suggestions are as unreliable as ropes of sand. Captain Judson, realizing that his report would put him in an inconsistent attitude, lamely attempts to justify himself by declaring that his change of opinion is due to "a close study and consideration given to the problem of the channelization of the Coosa." It is an old Welch proverb, I believe, which says: "The teeth that bite hardest are those that are out of sight." Captain Judson has gone away



from the community where he was the recipient of so many kindnesses and courtesies, and therefore feels less reluctance now than he might under other circumstances to strike the death blow to this cherished enterprise.

I think I can, without doing the slightest injustice to him, give a good, if not sufficient, reason for his change of mind and heart touching this proposition. The great water power in the Tallapoosa River, above Tallassee, Ala., within the past few years has been utilized for electric-light purposes and in the operation of immense machinery. Unquestionably it has proven of enormous value. Generally, when you touch a man's interest you touch his patriotism. Men are ambitious to serve themselves.

It is a fact well known in Montgomery and elsewhere in the State that certain persons, for purposes of their own self-aggrandizement, desirous of turning to profitable account the marvelous water power of the Coosa River for a distance of 100 miles above Wetumpka, sufficient to turn the grandest machinery in the world, and recognizing the difficulty of attracting and controlling capital for this purpose so long as the river remains a navigable stream by legislative enactment, have not hesitated on every occasion, in season and out of season, to recommend a discontinuance of all further governmental improvement, advancing the argument that railroad carriage, by reason of its rapid transit and dispatch, has practically superseded water transportation, and, therefore, this great river, dug by the hand of God himself, could be put to more advantageous service in turning the wheels of machinery than in transporting the country's commerce. The argument is an unfair one, because it omits the fact that the capabilities of this stream are so potential that it could easily and profitably do both of these things without let or hindrance the one to the other.

The heart is a casket whose spring we can not always find; but we are sometimes able by a peculiar divination to become familiar with the thoughts of men and to read the secrets of the human breast. It is an old saying that men are known by the company they keep. We are all creatures of circumstance and passion. Human purposes, in the most trivial as well as in the most important affairs of life, are often controlled by one's surroundings and associations. Straws tell which way the wind blows. He simply became inoculated by these influences. I think it is a fair inference from Captain Judson's report that he was aware of this movement, of the fact that certain enterprising gentlemen and corporations in the South are anxious to develop the superb water power of the Coosa for the reasons I have heretofore in these remarks endeavored to detail, because we find him in that report employing the following significant language, exactly along that line:

Another consideration is as follows: The Coosa River, with a low-water discharge variously estimated at from 2,000 to 5,000 cubic feet per second, and with a fall averaging approximately 3 feet per mile for over 100 miles, would afford for development of extensive water powers the finest opportunity in all the Southern States were it not regarded as a navigable stream for (approximately) 100 miles above Wetumpka. Low dams for purposes of navigation are not economical for development of power.

I dismiss the subject by saying it grieves me to believe that Captain Judson gave the word of promise to our ears, but broke it to our hopes.

Now, in conclusion, I desire to have read as a part of my remarks the following extract of the Coosa River Improvement Convention, above referred to, in order to demonstrate the public necessity and convenience that may be subserved by the continued improvements of the Coosa River, and as particularly valuable and important to the nine counties in Alabama lying immediately upon this stream and cut off from all water communication with the Alabama River, to wit, Elmore, Chilton, Coosa, Shelby, Talladega, St. Clair, Calhoun, Etowah, and Cherokee:

If the people of these counties had cheap and uninterrupted river navigation the growth of cotton, tobacco, and the cereals would be vastly increased. Over one-third of their lands is open and in cultivation. The remaining two-thirds is covered with a virgin forest, capable of supplying Mobile with timber for exportation long after the forests adjacent to the Gulf have been denuded. These forests extend over 1,000,000 acres and contain not less than 3,000 feet to the acre, or a total of 3,000,000,000 feet of lumber, whose gross value may be placed at \$30,000,000. The total value of fields and forests is \$43,000,000.

The annual present value of farm products is not under \$6,000,000. The counties immediately upon the Coosa River at present have iron furnaces whose capacity is not less than 175,000 tons per annum, and the value of whose output is \$2,500,000 per annum. They have in process of erection other furnaces which will turn out 1,000 tons per day, giving an annual output valued at over \$3,000,000. The furnaces now in operation and in process of erection represent a capital of \$2,000,000 and offer employment to 2,000 men, representing a population of 10,000 people. The combined valuation of fields, forests, and present capital in furnaces and mines of these nine Alabama counties will reach \$50,000,000.

In addition to these products the Coosa River counties are rich in other mineral products. Lead and copper are found at various points along the river. Marble and limestone are abundant. Talladega marble is noted as rivaling in beauty and purity the most celebrated marble of Italy. Gold is found in Coosa County and elsewhere. At one time the gold mines of that section attracted a large population. The purest kaolin is found in Calhoun and Coosa. Mica appears in Chilton. Red and yellow ochre is found in Elmore. Slate and granite and sandstone are abundant in Talladega, Calhoun, and Shelby. Plumbago exists in Chilton, Coosa, and adjoining coun-

ties. Tin has been discovered in Clay and Coosa counties. Emory, asbestos, fire clay, flagging stone, manganese, marls, millstones, phosphates, pyrites, zinc, and other material have been found by the State geologist, Dr. Eugene Smith, very generally distributed throughout this mineral region.

As to the importance of improving that part of the Coosa which lies in the State of Georgia, and of presenting the wondrous advantages of that country situated between Lookout Mountain on the northwest and the gold belt on the southeast, including the fertile valleys traversed by the several tributary rivers and creeks which help to form the mighty Coosa, I leave to the distinguished Representatives from that State, who, I am sure, with the eloquence of truth, will thrill the hardest heart that may beat in the breast of any member of this House who will have the fairness and candor to listen and to learn. [Loud applause.]

The CHAIRMAN. The hour of 3 o'clock having arrived, general debate on this bill is closed by order of the House, and the bill will now be read by sections.

Mr. RANDELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Improving harbor at Sullivan Falls, Maine: Continuing improvement, \$5,000.

Mr. BURTON. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 7, after line 6, insert:

"Said board shall also make an examination of Point Judith Pond with a view to ascertaining whether it is desirable to enlarge the entrance to said pond from the ocean, and if such enlargement is, upon examination, found to be desirable, an estimate of the cost thereof shall be made. The expense of such examination, as well as of the survey, if made, shall be paid from the unexpended balance remaining to the credit of the former entrance to Point Judith Pond."

Mr. BURTON. Mr. Chairman, this amendment is to meet a very perplexing situation. Last year we inserted in the bill a provision covering back into the Treasury the amount remaining on hand for the entrance of Point Judith Pond. Representations have been made by citizens in that locality that a possible improvement could be made which would be of very considerable value, and they desire that the money on hand be diverted for that purpose; that is, to make an opening in a different place from the one that formerly existed. The committee thought the best solution of the matter, in view of the fact that a board of engineers will make several examinations in that neighborhood, was to include with their other duties an examination of the entrance to this pond. I will say further that there are some adverse reports upon the old improvement of a former entrance which are quite decisive in their terms. The committee hesitated somewhat about inserting it, but it seemed only fair, in view of the unexpended balance, to make the examination. If there are no further remarks upon the amendment, I ask for a vote.

The question was taken; and the amendment was agreed to.

Mr. GREENE of Massachusetts. In reference to the recommendation of the committee in the paragraph that has just been read, that improvements shall be made in the harbors of refuge at Block Island and Great Salt Pond, Block Island, R. I., and also that a board of engineers shall be appointed by the Secretary of War who shall make an examination of these harbors and also of the harbor of refuge at Point Judith and of Vineyard and Nantucket sounds and the east shore of Cape Cod, with a view to reporting upon the relative merits of each of said harbors or localities for harbors of refuge, and what construction or improvement, if any, is desirable in each, and the cost of such construction or improvement as may seem desirable, I desire to say that there is no more important location on the entire Atlantic coast where improvements in the interests of commerce, relative to both the coastwise and foreign trade, is more imperatively demanded. There is no place on the coast where so many vessels are constantly passing and repassing between New York and Boston and intervening ports, and where it is eminently essential that there should be established harbors of refuge.

This measure has been considered by committees in the past, and they have thought it was wise that some such action should be taken. The proposition to which I have called attention is rather more extensive than those heretofore presented during previous sessions of Congress. It is not in the interest of any State, it is not in the interest of any individual, but it is in the interest and for the advantage of the entire commerce of this country, both foreign and domestic.

There is now but one harbor of refuge of any importance through the entire section of Vineyard and Nantucket sounds, and from the end of Cape Cod at Provincetown along the entire eastern and southern coast of Cape Cod there is but the single harbor



of Vineyard Haven. Mr. Chairman, if you will recall the great storm in November, 1898, wherein there was great loss of life and property, this harbor was crowded full of vessels, which were compelled to take refuge there during that great northeast storm.

Had it been the privilege of the committee reporting this bill to have visited this locality there would have been no necessity to urge them to insert a provision embodying the requirements alluded to. Especially could they have had the opportunity to have witnessed the terrific hurricanes which visit this perilous coast, endangering the lives and property of those who travel this great highway of commerce during two-thirds of the year, they would not have had the slightest hesitation in ordering the survey which will certainly foreshadow the improvements which are demanded in this locality hereafter. Some doubt of the necessity for this improvement existed in the minds of the committee reporting this bill, and for the information of the members now considering this paragraph, and for general information, I desire to call attention to one location for a harbor of refuge on the eastern coast of Cape Cod, between Provincetown, at the north end of Cape Cod, and Monomoy Point, at the extreme southern end of the same, at Pleasant Bay, in the town of Orleans. This has been especially recommended by resolutions adopted by the legislature of the State of Massachusetts and filed with the Committee on Rivers and Harbors in the year 1900.

In justification of the necessity for this harbor, I cite the following facts obtained from the officers of the Life-Saving Service relative to wrecks and casualties that have occurred within the limited space referred to on this coast since July 1, 1895, and not including the recent storm, being within the period of the last six years and eight months: Number of wrecks and casualties, 205; amount of property involved, including vessels and cargoes, \$3,770,355; property loss, \$574,710; number of lives lost, 55, and number of vessels totally lost, 58. These statistics are appalling in every feature.

In the great storm of November, 1898, the steamer *Portland* is supposed to have foundered off this coast, and all on board were lost.

On Monday last, at about the hour of the assembling of Congress, a terrific storm occurred at Monomoy Point and, while all seemed peaceful and harmonious here, vessels lying stranded off this dangerous coast were in the direst peril and danger, and an attempt was made by the keeper and crew of the Monomoy Life-Saving Station to rescue men in danger of perishing because of the terrible storm raging there. Had there been a harbor of refuge at Pleasant Bay, the great barges stranded off the coast might have found a place of safety, and thus valuable property and the lives of noble men might have been saved. The heroic men comprising the keeper and six surfmen, in response to the call of distress from the stranded barges, entered the seething waters to attempt the rescue of six persons whose lives were in peril. Although these men were accustomed to the dangers of the sea and were undaunted by the hardships that awaited them, they took their lives in their hands to save the lives of their fellow-men. Heroic as is the work of the soldier as he enters the field of battle and perils his life to maintain his country's honor, what can compare with the sacrifice and heroism of these men who entered upon their dangerous undertaking, risking their lives to save the lives of others?

Still, previous Congresses have hesitated to provide for the protection of the families of the men who gave up their lives and their dearest possessions in the service of the Government, whose honor they maintained by their heroic devotion to duty. May we not hope that before the expiration of the present session of Congress some of the bills now pending which make suitable provision for the care of the afflicted families of the men who lose their lives or are permanently disabled in this important service will be enacted into law? Another evidence of the importance of this location is the fact that the first light-house which engages the attention of vessels from foreign ports entering this country is Cape Cod or Highland Light. This light has recently been improved by substituting a powerful flashing light for the fixed white light which had heretofore designated this station. The legislation securing this improvement was first presented in Congress by myself, and it was enacted on the recommendation of the Boston Chamber of Commerce and in response to the desires of the maritime interests of the nation.

There are other natural harbors lying along Nantucket and Vineyard sounds, including Nantucket, Edgartown, Hyannis, and Vineyard Haven, which are subject to improvement and to which attention is also called. These should receive the attention of the Board of Engineers, under the direction of the Secretary of War, and it is my earnest hope that in the interests of the vast amount of commerce which passes along this great water highway the investigation will be most thorough and complete, and that the recommendations which this examining board shall render the succeeding sessions of Congress will be adopted and

suitable harbors of refuge for the protection of life and property will be provided for this important thoroughfare.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BINGHAM having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 3690) for the relief of Jacob L. Hanger, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAWLEY, Mr. PROCTOR, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 9991. An act for the relief of F. E. Coyne.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 1529. An act granting an increase of pension to John G. Brower;

H. R. 2673. An act granting an increase of pension to John Vale;

H. R. 3272. An act granting an increase of pension to Israel P. Covey;

H. R. 4260. An act to correct the military record of James A. Somerville;

H. R. 4456. An act granting an increase of pension to Ruth B. Osborne;

H. R. 5289. An act granting a pension to Malvina C. Stith;

H. R. 5543. An act granting an increase of pension to Samuel W. Skinner;

H. R. 6018. An act granting a pension to Lue Emma McJunkin;

H. R. 7074. An act granting a pension to Benjamin F. Draper;

H. R. 7823. An act granting an increase of pension to Jacob D. Caldwell;

H. R. 8293. An act granting a pension to Amanda Jacko; and

H. R. 9397. An act granting a pension to John S. Lewis.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution (Senate Con. Res. No. 7) to print 5,000 copies of Senate Report No. 1, etc.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

#### Senate concurrent resolution 32.

*Resolved by the Senate (the House of Representatives concurring).* That the Secretary of War be, and he is hereby, directed to cause an examination to be made of the breakwater at Marquette, Mich., with a view to connect the said breakwater with the shore, and to report to Congress the result of such examination.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 324. An act granting an increase of pension to Nellie Loucks;

S. 3217. An act granting an increase of pension to Charles Dixon;

S. 4486. An act granting an increase of pension to Myra W. Robinson;

S. 3283. An act to remove the charge of desertion from the military record of Charles K. Bolster;

S. 3554. An act granting an honorable discharge to Thomas J. Brown;

S. 1629. An act granting an increase of pension to James W. Humphrey;

S. 4304. An act granting a pension to John S. Nelson;

S. 1363. An act granting an increase of pension to James A. McKeehan;

S. 3826. An act for the relief of Isaac P. Brown; and

S. 4413. An act granting an increase of pension to Martha A. Greenleaf.

#### RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Improving harbor at Gowanus Creek Channel, New York: Completing improvement, \$20,000.

Mr. FITZGERALD. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 9 insert as a new paragraph, after the word "dollars," in line 16, the following:

"Improving Buttermilk Channel, New York Harbor, New York, in accordance with the report submitted in House Document No. 122, Fifty-sixth Congress, second session, so as to provide a channel 40 feet deep and 1,200 feet wide, \$300,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,500,000, exclusive of the amounts herein and heretofore appropriated."



Mr. FITZGERALD. Mr. Chairman, this amendment is in the exact language of the bill which passed the House at the last session of Congress. It provides for the deepening and widening of Buttermilk Channel, one of three channels in the harbor of New York which connect the Narrows with the East River. This item was in the last river and harbor bill reported to Congress. It is difficult to understand why it is not in the present bill. At the last session there was no dissension in the committee as to the merit and necessity of this improvement; on the contrary, the committee was convinced that the improvement should be authorized and made at once.

Unavoidably I was detained from the House when the chairman of the Committee on Rivers and Harbors made his opening speech upon this bill, and thus prevented from interrogating him about the omission of the item proposed in the pending amendment. In a careful reading of the remarks of the gentleman from Ohio [Mr. BURTON], however, I have noticed that he stated that some 20 or 30 "unimportant streams" had been omitted from the bill this year. While it has been impossible for me to examine the many items in the bill, I believe it safe to say that no project of similar extent and importance to that for the improvement of Buttermilk Channel, provided in the bill that failed in the last session of Congress, has been excluded from the pending bill.

To those familiar with the conditions at the harbor of New York the action of the committee is incomprehensible. The merit of this improvement is not questioned; its necessity is conceded. What excuse is there, then, for neglecting to provide for so important a project?

Since 1880 a number of independent projects for the improvement of the harbor of New York have been initiated and completed. To appreciate more thoroughly what has been done, a general outline of the harbor, its channels, and the improvements made will probably be beneficial. From the Battery, at the lower end of the island of Manhattan, out through the Narrows to the lower bay, a distance of about 9 miles, there is a natural channel. It is fairly broad and unobstructed, with 45 feet or more water at mean low tide. The lower bay is separated from the deep water of the ocean by a bar from 2 to 5 miles in width. This bar extends from Sandy Hook to the west end of Coney Island, a distance of 7 miles. The natural channels that cross this bar, separated from one another by sand shoals, in their order from the north or Coney Island shore, are thus described in the report of the United States Army engineers:

(1) The Coney Island channel, straight, narrow, with a general depth of 20 feet, except at the west end, where the available depth is but 10 feet. South of this channel lies a shoal known as East Bank, with least depth of 6 feet.

(2) The Fourteen-foot channel, a curving channel with considerable depths in the west part, but with only 15 feet depth at the eastern end. To the south lies a shoal with 5½ feet least depth.

(3) The East channel, a broad, nearly straight, channel, of 30 feet depth or more in the western part, separated from deep water on the east by a bar having only 19 feet depth. South of this channel lies Romer shoal, with 3 feet least depth.

(4) The Swash channel, with 22 feet depth in a narrow channel. To the south lies a shoal called Flynn's Knoll, with least depth of 11 feet.

(5) The Bayside channel, formerly called Main channel, a broad channel passing close to the north shore of Sandy Hook, with natural depth of 23 feet.

The Swash and Bayside channels, with the southern part of the Main Ship Channel, which is on the west side of the bar, form nearly an equilateral triangle, the two first named intersecting in a deep hole of considerable area and more than halfway across the bar. Outside this hole the bar is crossed by two channels, the north, called Gedney Channel, about 1½ miles long, to deep water, and the south, called South Channel, somewhat longer than the Gedney, and extending almost in continuation of the Swash Channel. Gedney and South channels both had natural depths of 24 feet, and thus an available low-water depth of 23.3 feet from the ocean to the lower wharves of New York City, a distance of 21 miles, was afforded by natural channels. Under the various projects adopted since 1880 a channel 1,000 feet wide and 30 feet deep at mean low water has been made and completed.

Buttermilk Channel, with the Bay Ridge and Red Hook channels, skirts the shore of Brooklyn, as already stated, and connects the Narrows with the East River. The Main Channel from the Narrows to the East River passes to the west and northwest of Governors Island. The three channels just mentioned go the other side of it. Prior to 1896, under two projects, the Buttermilk Channel and the Bay Ridge and Red Hook channels were improved. In 1896 the projects were consolidated, and the improvement then authorized, the deepening of the channels to 26 feet at mean low water and of varying widths, was completed in 1899.

In 1899 the House committee included in the bill of that year an appropriation of \$4,500,000 for the deepening of the East, now known as Ambrose, Channel to 40 feet at mean low water, and the widening of the same to 2,000 feet. This was to be a deep, straight channel to the ocean. The Senate, however, reduced the appropriation to \$4,000,000 and adopted a project to make Bay Ridge and Red Hook channels 1,200 feet wide and 40 feet deep at

mean low water. The bill passed in that shape. It is difficult to understand the reasons that prompted Congress to eliminate Buttermilk Channel at that time. Under the projects previously adopted and completed, a through channel, with a depth of 26 feet at mean low water, had been made from the Narrows to the East River along the westerly shore of Brooklyn. All the wharves and warehouses were located on Buttermilk Channel.

The accommodations for docking along Red Hook and Bay Ridge channels are very meager, and without corresponding depth of water in Buttermilk Channel the benefits resulting from the expenditure of the \$2,500,000 appropriated to deepen the Bay Ridge and Red Hook channels will be merely local. If any benefit commensurate with the amount to be expended is to be had, it is absolutely necessary that Buttermilk Channel be given the same depth at mean low water as the Red Hook and Bay Ridge channels.

A better idea of the importance of Buttermilk Channel can be formed by considering for a moment some statistics. It is true that figures are usually uninteresting, but often they are instructive and impressive. In 1899 statistics of the freight and its value as well as the number of vessels that were loaded and unloaded along the wharves of Buttermilk Channel were compiled. I submit them, confident that this committee will be amazed at their statement, especially when it is remembered that this channel is not more than 2½ miles in length:

Commercial statistics for the calendar year 1899.

	Tons.	Estimated value.
Receipts.....	5,857,292	\$177,978,512
Shipments (estimated).....	6,444,000	195,776,000
Total.....	12,301,292	373,754,512

Vessels arriving and departing (1899).

	Number.	Draft.	Tonnage.
Steamers.....	1,246	Feet. 18 to 19	1,000 to 6,800
Sail.....	507	12 to 26	500 to 3,000
Barges, etc.....	81,390	(*)	(*)
Total.....	33,143		

\* No record.

It may be said, however—indeed, I have heard it asserted with tiresome frequency—that New York has had more than its share of the sums heretofore appropriated for harbor improvements. Careful investigation has convinced me that there is no justification for such statements. In 1899 the late Mr. Ambrose, in a statement submitted to the Committee on Commerce of the Senate, pointed out that of the \$296,000,000 appropriated for the improvement of rivers and harbors, \$4,047,000 had been authorized for the improvement of New York Harbor. The gentleman from Ohio [Mr. BURTON], in a statement of the amounts appropriated for rivers and harbors, Post-Office Department, and five other branches of the public service from 1879 to 1902, inclusive, shows that the amount appropriated for rivers and harbors is \$301,874,130.06. Since the statement of Mr. Ambrose was prepared, \$6,500,000 has been set aside for New York Harbor (although only about \$2,000,000 has been appropriated), in all \$10,547,000, or about 3 per cent of the total appropriations.

The total exports of the United States for the year ending June 30, 1901, were valued at \$1,487,764,991. Of that sum \$529,592,978 worth were shipped from the port of New York. The imports of the United States for the same year were \$823,172,165, of which \$527,259,906 arrived at New York. The gentleman from Massachusetts [Mr. LAWRENCE] yesterday read the following summary tables of commerce for the year ending June 30, 1901, prepared by the chief of the bureau of statistics of the Treasury Department, to show the rank to which the great ports of the country are entitled as shown by the value of their aggregate export and import trade:

Port.	Imports.	Exports.	Total.
New York.....	\$527,259,906	\$529,592,978	\$1,056,852,884
Boston.....	61,452,370	143,708,232	205,160,602
New Orleans.....	20,462,307	152,776,569	173,238,876
Philadelphia.....	48,045,443	79,354,025	127,399,468
Baltimore.....	18,898,475	106,239,081	125,137,556
Galveston.....	953,801	101,857,300	102,811,101
San Francisco.....	35,161,753	34,596,792	69,758,545
Savannah.....	645,067	46,738,967	47,384,034
Newport News.....	4,060,451	32,567,912	36,628,363

These figures show that the total value of the exports and imports of the port that ranks next to New York, Boston, is only



about 20 per cent of the value of those of New York, while the combined value of the imports and exports of Boston, New Orleans, Philadelphia, Baltimore, Galveston, San Francisco, Savannah, and Newport News, the eight ports that rank next after New York, is not within 20 per cent of the value of the imports and exports of New York.

These figures are not cited in derogation of other ports than New York. No complaint against appropriations for the improvement of these harbors is made by me. I call attention to these figures in order to emphasize the enormous trade of New York and to contrast its value with the sums set aside for the improvement of its harbor.

The reports of the Army engineers show, too, that since the improvements of the harbor were begun, in 1886, the value of the foreign trade has increased \$337,186,846. The entire cost of the improvements to date is less than two-thirds of 1 per cent of the increase in annual value of the foreign commerce of the port since the improvements were begun, and less than one-sixth of 1 per cent of the value of the present foreign commerce each year.

In view of these figures, Mr. Chairman, I repeat that it is remarkable that the committee did not include in this bill an appropriation for the improvement of Buttermilk Channel.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent to continue my remarks.

Mr. SULZER. I ask that my colleague's time be extended for five minutes.

There was no objection.

Mr. FITZGERALD. I have been told, and I expect to hear it repeated, that the commercial interests of New York have evinced no interest in this improvement; that they are indifferent to it; that the matter has not been pressed. This is a remarkable assertion, yet it has been made. Nevertheless, the commercial interests of New York expressed themselves emphatically in favor of this project, and knowledge of their action was brought to the Committee on Rivers and Harbors in no uncertain way. The Buttermilk Channel improvement has been indorsed by the municipal council of the city of New York, the New York Cotton Exchange, the Chamber of Commerce of the State of New York, the New York Board of Trade and Transportation, the Maritime Association of the Port of New York, the New York Produce Exchange, the Manufacturers' Association of New York, and the New York Coffee Exchange.

These organizations are, to say the least, fairly representative of the commercial interests of New York. It is true that large delegations did not appear before the committee during the present session to urge this appropriation. It is difficult to believe that the committee would have cared to have given time for such a purpose. The Committee on Rivers and Harbors consists of 17 members. Fifteen of the present committee were members of it during the last Congress, and heard convincing arguments of the importance and necessity of this project. Without a dissenting voice the committee recommended the appropriation contained in the amendment just offered by me. Can anyone seriously urge that, Barkis like, the committee was willing, but wished to be coaxed to make this appropriation?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FITZGERALD. I ask unanimous consent for ten minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks for ten minutes more. Is there objection?

There was no objection.

Mr. FITZGERALD. I called attention, in the last session, when the bill was under consideration, to the fact that the chairman of the committee on harbors and shipping of the Chamber of Commerce and the president of the pilot commissioners of the port of New York were asked by the Committee on Rivers and Harbors to designate which of two projects pending before the committee was more important, the improvement of Buttermilk Channel or the removal of the well-known obstacle to navigation in New York Harbor, the Diamond Reef, said:

I do not hesitate to say that the latter (referring to the Buttermilk Channel improvement) should receive immediate attention, even if it necessitates the temporary deferring of the Diamond Reef works. The latter is a well-known danger, and while its removal is demanded, temporary extension of time thereon will not be attended with serious delay. The other, Buttermilk Channel, is now peremptorily demanded.

When the bill was under consideration in the House last year, my colleague from New York [Mr. ALEXANDER] in speaking to this project used the following language:

Of what use would be the proposed new channel 2,000 feet wide and 40 feet deep if vessels were unable to reach the wharves after entering the bay? If a new outer channel is needed to admit the great boats of twelve, thirteen, and fifteen thousand tons burden, other interior channels are needed to take them to the upper harbor.

The committee at the last session was convinced that this was

a proper project. No pretense is made that the committee was then in error. The importance of this project was emphasized several years since, when, by reason of a great fire on the Jersey shore, the North German Lloyd Company was compelled to seek dockage on the Brooklyn water front. After a number of ineffectual efforts to float their vessels when loaded through Buttermilk Channel they were compelled to abandon their docks and seek new wharves on the Jersey shore. The press of to-day, Mr. Chairman, contains an account of another great fire on that shore. I do not know its extent. It may be as extensive as the recent fire which horrified the country. It calls attention to the needs of the harbor. Traffic is congesting in the Lower Hudson. The committee points out that over 15,000,000 tons of freight is carried yearly on the Hudson River. Most of it comes to the lower part of the city. Lack of sufficient water in such places as Buttermilk Channel compels all vessels drawing over 24 feet to dock in that congested district. The remedy, the imperative need of the harbor, is more water along the Brooklyn front.

I have no opposition to make to this bill. I believe it proper to make liberal expenditures in order to improve the harbors and great rivers of the country, which are the highways of commerce. Money so spent is well expended, since it contributes to the prosperity of the people. Yet, Mr. Chairman, I must protest in the name of the great commercial interests of the city of New York against the discrimination—the unjust discrimination, in my opinion—that has been made against the gateway of the New World. In a bill that authorizes the expenditure of \$24,014,107 for the fiscal year ending June 30, 1903, and \$36,674,160 thereafter, New York Harbor should in fairness be given more than \$100,000 for a subsidiary channel, and \$25,000 more for other minor improvements.

New York is entitled to more liberal treatment; it should receive more consideration. For whose benefit are the channels in the harbor of New York improved? Certainly residents of New York receive some benefit; but do not forget that New York is merely a gateway—the great land terminus of the country—to which the products of every section of the country are sent for shipment abroad. The development and maintenance of its magnificent harbor is a national, not a local, improvement. It is for the benefit of the commerce of the whole country. Gentlemen from the interior continually clamor for cheaper freights. How can lower freights be expected if facilities at the great ports of the country are denied?

New York with its superb natural facilities needs but little. Some improvements, however, demand immediate attention. None is more pressing than the deepening of Buttermilk Channel. Its wharves and warehouses constitute the most magnificent system in the entire harbor. Lack of water cripples the efficiency of the plant in existence for years. Six and one-half millions have been authorized to permit vessels of the greatest draft and tonnage to come within sight of this system. Do not deny the money that will enable them to reach the docks. Permit them to take advantage of facilities at hand, and make effective the appropriations already made by Congress for the Bay Ridge and Red Hook channels.

I appeal to the chairman of the committee to make no objection to this amendment. It is identical with the provision inserted in the river and harbor bill of the last session. New York needs this appropriation; she deserves it. The commercial interests of the country deserve it. The committee concedes its propriety and necessity. Then why refuse it? [Applause.]

Mr. REEVES. The gentleman from New York [Mr. FITZGERALD] has not said and can not say more than any member of this committee would say in praise of the great harbor of New York; but notwithstanding that fact, there are some other reasons why it is unwise, as we think, to make this appropriation at this time. The truth is, in my judgment—and I think in that opinion many, if not all, of the members of this committee concur—that it would have been better to have improved the Buttermilk Channel than to have improved the Bay Ridge Channel, in New York Harbor; but, notwithstanding the opinion of members of the committee on that subject, that was not what the people of New York City asked for and wanted. Three years ago they pressed upon us, with a determination that could not be withstood, their desire for the improvement of Bay Ridge Channel to the exclusion of Buttermilk Channel, and we ultimately gave them what they wanted—the improvement of the Bay Ridge Channel.

Last year when we prepared the bill that failed of passage in the Senate, still recognizing the commercial advantages of the Buttermilk Channel the committee of the House again offered the improvement of this channel, but when it came to the Senate the interests of New York made their presentations there, with the result that the Senate cut down the appropriation that the House committee had authorized, of \$300,000 in cash and a million and a half of authorization, reducing the amount to \$112,500, accepting the opinion of the maritime interests of the city of New



York as given to that committee, that they were not interested at this time in the improvement of the Buttermilk Channel.

Mr. FITZGERALD. Will the gentleman permit a question?

Mr. REEVES. Yes; if it is brief.

Mr. FITZGERALD. Does not the gentleman know that the Senate committee had no hearings at the last session and that the Bay Ridge and Red Hook channels were provided for, not by the House committee, but by the Senate committee?

Mr. REEVES. I do not know whether the Committee on Commerce gave hearings or not. The gentleman suggested that the House committee did give hearings last winter. In that he is mistaken. We were in favor of the improvement of this channel because we thought it a valuable one, but when we learned that the commercial interests of New York were not requiring this, but were requiring the other, we acquiesced in that state of affairs, and this winter in the preparation of this bill we felt that with the vast amount of demand for river and harbor improvement we would not crowd upon the city of New York an improvement that cost \$1,800,000, unless there was at least somebody representing the commercial interests of the city to say to us that they wanted it.

Mr. FITZGERALD. Mr. Chairman—

Mr. REEVES. Now, I can not yield to the gentleman. I have only five minutes, as the gentleman knows.

Mr. FITZGERALD. The gentleman can get all the time he wants.

Mr. REEVES. I should rather not be interrupted for the moment. The gentleman had fifteen minutes, and that ought to be sufficient.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. FITZGERALD. I just wished to correct the gentleman's statement. He is mistaken in the statement that he made.

Mr. REEVES. I do not care for your correction. I am not speaking outside of my own personal knowledge. I want to say to the gentleman that the committee has provided, if my memory serves me right, \$2,400,000 for the improvement of Bay Ridge Channel, that is now in process of improvement in New York Harbor.

Mr. BURTON. Two million five hundred thousand dollars.

Mr. REEVES. The chairman corrects me by saying it is \$2,500,000 instead of \$2,400,000. In addition to that, we are providing for a channel leading out to deep water at a cost, in round numbers, of \$4,000,000, and we do not think it is fair to other parts of the country to go any further in that direction at this time in New York Harbor. We do not think it is fair treatment of the other commercial interests of the country to put any more money in New York Harbor at this particular time, and we shall ask the committee to sustain that action.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from New York [Mr. FITZGERALD].

Mr. McCLELLAN. Mr. Chairman, I only want to call the attention of the gentleman from Illinois to the fact that during the last Congress the Buttermilk Channel project was indorsed by resolutions which were filed with the Committee on Rivers and Harbors from the municipal council of the city of New York, the New York Cotton Exchange, the Chamber of Commerce of the State of New York, the New York Board of Trade and Transportation, the Maritime Association of the port of New York, the New York Produce Exchange, the Manufacturers' Association of New York, and the Coffee Exchange of New York. Practically every commercial body in the city of New York passed formal resolutions in favor of the Buttermilk Channel, and copies of those resolutions were filed with the Committee on Rivers and Harbors.

Mr. BURTON. Mr. Chairman, it is very singular that these resolutions were not forwarded until the committee had practically made up the bill and agreed on every item in it. I favored this improvement last winter, but when this winter came I found the very persons who had been most strenuous in its advocacy did not want it placed on the bill. I may say that I courted advocacy for this improvement. I asked persons why it was that we heard nothing about Buttermilk Channel. I spoke to at least half a dozen who were here who would naturally be interested.

In the early portion of the session I spoke with the gentleman from Greater New York [Mr. FITZGERALD], and he said, "Why, yes; it ought to be done." But I do not at this time recollect any other member of this House or any man engaged in business in New York who spoke until recently in behalf of this improvement. On the other hand, several gentlemen who were here for weeks last winter advocating it said that it was not now important. I do not think you can expect the Committee on Rivers and Harbors to go groping around to find some place to put money. [Laughter.] I have always regarded this as an important improvement.

Mr. FITZGERALD. I know the gentleman does not wish to

do me an injustice. This channel runs along the borders of my district. I wish the gentleman to recollect that I went to the gentleman myself, and not that he came to me, about this item of the bill.

Mr. BURTON. Possibly I had some conversation with the gentleman on other than one occasion. The gentleman is in favor of the improvement, and cordially in favor of it; and he is the only member of the House who, as I recollect, spoke in favor of it.

One gentleman who advocated it last winter said the reason why it was not now required was because the boats that had moved from Hoboken to the Brooklyn water front after the fire had now moved back, and also that the Brooklyn Warehouse Company, if that is the name by which it is called, had reorganized, and that they found that, with their available capital, they were not able to dredge the space between their piers to a greater depth than 26 feet, a depth which the channel has now. It seems to me that the people of the city of New York, in the influences brought to bear upon Congress, have made for the present a deliberate choice between Buttermilk Channel and that at Bay Ridge. In 1899 we placed upon the bill in the House an appropriation and authorization of \$4,500,000 for the deep channel to the sea.

The House recommended only 35 feet, stating their reasons in the report of the committee, which were these: That the local engineer said that in any event he would dig to 35 feet first and later dig the remaining 5 feet to 40 feet, and that it would cost no more to first dig the 35 feet and then the additional 5 feet to 40 feet than to dig 40 feet in the first instance. In that form the bill went from this House to the Senate, where they amended it, cutting down our authorization and appropriation of \$4,500,000 to \$4,000,000, but providing that the channel should be 40 feet deep.

By a lucky stroke, for that is what it was, a contractor was found who offered for \$4,000,000 to dredge to 40 feet. So the 5 feet more provided for by the Senate was contracted for with \$510,000 (I think the original amount was \$4,510,000, instead of \$4,500,000) less than the estimate for 35 feet, which was the basis of the provision in the House bill. There was another amendment which was put on in the Senate, to the effect that \$2,500,000 should be appropriated or authorized for Bay Ridge channel. This makes \$6,500,000 for that harbor. Now, it seems to me that we ought not to be pressed to provide for another interior channel in that locality in the very next bill, after having appropriated or authorized \$2,500,000 in 1899 for Bay Ridge.

I want to call attention to one feature of the gentleman's proposition. What use is there in dredging an interior channel 40 feet deep in the harbor of New York when the 40 feet deep channel to the sea is at least two years, and more likely three or four, or possibly five years, away? Why should you dig up there at the wharf 40 feet when no boat drawing 40 feet can go out to the sea? There is an absurdity on the face of that proposition. In view of all the circumstances, Mr. Chairman, it seems to me this amendment should be voted down, and let this channel have recognition at a later time.

Mr. ALEXANDER. Mr. Chairman, as the member of the Rivers and Harbors Committee, from New York, I desire to say to my colleague [Mr. FITZGERALD] that early in the session I corresponded with the gentleman in New York who a year ago had interested himself in Buttermilk Channel, advising him of the hearings before the committee, and suggesting the wisdom of bringing his friends to restate the Buttermilk Channel proposition. He replied that they would want nothing for Buttermilk Channel.

Mr. SULZER. Mr. Chairman, I did not hear the gentleman mention the name of this person from New York.

Mr. ALEXANDER. I did not mention it, and I do not care to mention it, because it is immaterial.

Mr. SULZER. Then you should not refer to it.

Mr. ALEXANDER. Within a week he visited this city and stated that they did not care to press the matter, giving the reasons which have been elaborately set forth by the chairman of the committee. I want to add that my colleague [Mr. FITZGERALD] spoke to me about the matter, showed his interest in it, and was desirous that something should be done. I stated the facts to him fully, and should have been glad to meet his desire if, under the circumstances, the committee had thought it desirable. He certainly did his part in the work.

Mr. FITZGERALD. I would like to ask if the gentleman he refers to was an official of the city of New York or an official of any commercial body?

Mr. ALEXANDER. He was the gentleman who presented the matter to us last winter and who accompanied the several delegations from New York. He was present before the committee at all hearings in regard to Buttermilk Channel.

Mr. FITZGERALD. Does not the gentleman know at that time this man had a special interest in the matter, and at this session he has none?

Mr. ALEXANDER. I do not know about that.



The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 27, noes 73.

So the amendment was not agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Improving Breton Bay and Patuxent River, Maryland, in accordance with the reports submitted in House Documents numbered respectively 209, the larger project therein described being intended, and 170, Fifty-sixth Congress, first session, \$9,000.

Mr. BURTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 13, lines 20 and 21, strike out "the larger project therein described being intended," (with the comma) and insert after the words "first session," in line 22, the following: "the larger projects therein described being intended," (with the comma).

Mr. BURTON. Mr. Chairman, I will say that for each of these projects there are two estimates. As originally drawn the bill designated the larger one only for the former of the two. It should apply to each, and this amendment is intended to adopt the larger projects.

The question was taken; and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Improving Brunswick Harbor, outer bar, and inner harbor, Georgia: Continuing improvement, \$140,000, of which not exceeding \$40,000 may be expended on the outer bar in accordance with the report submitted in House Document No. 355, Fifty-sixth Congress, first session. The improvement of the inner harbor shall be made in accordance with the report submitted in House Document No. 40, Fifty-sixth Congress, first session. Of the amount herein appropriated, \$5,000, or so much thereof as may be necessary, shall be used to maintain the present depth of water in Academy Creek to the old Altamaha Canal.

Mr. BURTON. Mr. Chairman, I desire to introduce two amendments to that paragraph.

The Clerk read as follows:

On page 17, strike out the words "three hundred and fifty-five" and insert the words "one hundred and seventy-nine."

Strike out the word "first," in line 14, and insert the word "second."

After line 14 insert (striking out the period and inserting a comma) "the Secretary of War may, in his discretion, apply the amount expended on the outer bar upon either of the routes described in said report."

Mr. BURTON. Mr. Chairman, the reason for that is that there are two reports—one a preliminary and one a final report. It seemed best to designate the early or preliminary report. There are also two routes over the outer bar, for one of which the expense is \$40,820 and the other a trifle under \$65,000. It seems best to give the Secretary of War discretion to expend this amount on either of these two routes. These are the reasons for these two amendments. I ask unanimous consent that they may be voted on in gross.

The CHAIRMAN. Without objection, the two amendments will be voted on together. [After a pause.] The Chair hears no objection.

The amendments were considered, and agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

C. P. Goodyear, his heirs and assigns, shall be paid for 50 feet excess of width over the contract width of 24 feet depth at mean high tide on the outer bar of Brunswick, Ga., obtained, as shown by the report of H. L. Marinden, the officer detailed to make survey of such work, made to the Secretary of War on the 4th day of December, 1899, in the same proportion as he was paid for 100 feet widths of such depths, namely, \$20,000; and that for the 50 feet excess of width over contract width of 25 feet depth at mean high tide, shown by said report, he or they shall be paid in the same proportion as he was paid for 100 feet width of 25 feet depth, namely, \$25,000.

Mr. BURTON. Mr. Chairman, I think a word of explanation is due the committee upon this paragraph. The two amounts, one of \$20,000 and the one of \$25,000, aggregate \$45,000. This is a reminiscence of one of the most bitter controversies ever had before the Committee on Rivers and Harbors. When I first was a member, in 1896, this controversy commenced, and it has continued ever since. I should say that this appropriation is not based upon any legal claim, but upon an equitable claim. Some years ago an estimate was made by the Government engineer in charge of that district, who at that time was Capt. Oberlin M. Carter, that it would cost \$2,718,815 to secure a channel across this bar. This plan contemplated the building of two parallel jetties.

In view of the great expense Congress did not think it best to undertake the improvement, as the benefit would not be commensurate with the cost. C. P. Goodyear, an attorney, who had gone from New England to Brunswick, having confidence in the future of that port, offered to undertake, by dredging alone, without the construction of the jetties, to obtain a suitable channel across the bar. It was also a part of the method which he intended to adopt that dynamite should be used in the dredging. A contingent arrangement was made and included in divers river and harbor acts, by which he was to attempt to secure the channel sought, and if he did not obtain certain results he was to receive

no pay. He did obtain these results, and has received \$220,000, as against \$2,718,815, which it was assumed that this channel would cost. As a result, the port of Brunswick has experienced a growth equal to that of any port on the Atlantic, Gulf, or the Pacific coasts.

In doing this work Mr. Goodyear obtained a channel materially in excess of that which he agreed to obtain for the \$220,000. His contract was to have a channel 24 feet deep, 200 feet wide, and over the central portion of this channel 25 feet deep and 100 feet wide. What he did obtain was a navigable channel 24 feet deep with a minimum width of 256 feet—56 feet more than his contract called for—and a mean width of 464 feet. In the central portion he obtained a navigable channel 25 feet deep, with a minimum width of 150 feet, against 100 feet, which he had agreed to obtain, and a mean width of 305 feet. This additional channel width which he obtained is part of a larger project for the improvement of that channel—that is to say, whatever width he obtained in excess of what he agreed to obtain is a part, and an essential part, of this larger project, which otherwise would have to be dredged out by the Government.

It may be said, also, that contrary to the opinion of Captain Carter at that time to the effect that jetties were required, Mr. Goodyear proved that the work could be done, and much more economically done, by dredging alone. The Government engineers can not be held responsible for Captain Carter's action or recommendation in this matter. They have since united in the opinion that here and elsewhere the better course in such cases is to use the dredge and not rely on the much more expensive system of constructing jetties.

So that the equitable claim of Mr. Goodyear is that he has obtained part of a channel that would have to be obtained by the Government, and that he tried an experiment which was decried by the local engineer at the time, but which has since proved altogether successful.

It may be further said that in the accomplishment of the work on this channel Mr. Goodyear expended, as is shown to the satisfaction of the committee, an amount very much in excess of \$220,000.

With this explanation, which I think is due to the committee, we desire that this provision shall receive the consideration of the Committee of the Whole. The gentleman from Oregon [Mr. TONGUE], who is more familiar than I am with this transaction, would perhaps like to be heard.

The CHAIRMAN. The Chair will suggest that no amendment has been offered.

Mr. TONGUE. Mr. Chairman, I move to strike out the last word. There is very little to be added to the statement made by the chairman of the Committee on Rivers and Harbors. The Government of the United States has received as much for the amount appropriated in this item as it will receive from almost any other provision of this bill. Mr. Goodyear, for whom the appropriation is made, was not an engineer. In 1890 he was a practicing attorney at Brunswick. He was interested, however, in the improvement of his city. The question of the improvement of the harbor was being considered. He was appointed chairman of a committee of public-spirited citizens selected to examine into the question of the means and methods of securing the needed improvement.

As has been said, Congress passed provision requiring an examination and an estimate for such improvement. The estimates made in pursuance of that provision were something over \$2,700,000. This large amount arrested the attention of Congress. Captain Goodyear believed so large an appropriation unnecessary. He thought the entire plan unwise. In the course of numerous investigations and experiments, which as a public-spirited citizen he had made, he had discovered that there was a shorter channel, formerly used, but which had been stopped up. He believed that this channel could be reopened at a comparatively small cost, and he proposed that this be done. The engineering officers did not receive his suggestion very favorably. Finally, in order to attest his good faith, he offered to undertake the improvement on the plan of "no cure, no pay." The Government entered into a contract with him in which his pay was to depend upon his success. There were various contracts entered into from time to time. He believed that contracts would probably be given to him to secure the entire improvement. The Government, however, eventually stopped the work under the contract with Captain Goodyear; but when an account of stock was taken as to what had been done, it was discovered that Captain Goodyear had secured a greater depth and width of channel than his contract provided for.

The Government now proposes to utilize the work done by him. It is proposed to carry out the improvement and extend it, taking advantage of the improvements made by Captain Goodyear. The committee simply proposes to pay him for work that he has done—to repay him for the amount he has expended—not for all that he has done, but to the extent that the Government now proposes to utilize his work.



It was shown before the committee that when Captain Good-year commenced these improvements in the interest of the public, he was a fairly prosperous attorney with some means to his credit; that he devoted his time and means to this improvement, and is now a bankrupt. As the Government proposes now to take advantage of what was accomplished through his time and labor and means, it ought at least to pay him the minimum value of the work which it is proposed to utilize.

I withdraw the pro forma amendment.

The Clerk read as follows:

Improving harbor at Black River (Lorain), Ohio: For repairs and maintenance, \$8,000.

Mr. SKILES. Mr. Chairman, I move to strike out the last word. I would like to inquire of the distinguished chairman [Mr. BURTON] as to whether there is a continuing contract at Black River (Lorain), the amount of the same, if there is, what part has been expended, and the condition of the improvements at the present time?

Mr. BURTON. There is; and I will say to the gentleman that where a continuing contract is authorized for a locality, it is not customary to make any considerable appropriation year by year for maintenance, because the contract made, known as a continuing contract, includes maintenance to the end of the time required for completing the work. As an illustration, some years ago a continuing contract was made for the Patapsco River below Baltimore. The work will not be finished until October of this year. Until that date all the work of maintenance is done by the contractor who has that continuing contract.

In this case there was an amount authorized of \$600,000 by the act of 1899, and there has been of that already appropriated \$125,000. The estimates for the coming year are \$300,000. The whole or a larger part of that will no doubt be appropriated for Lorain Harbor in the sundry civil bill. This amount of \$6,000 was included in this bill as a precautionary measure, because some information was contained in the report of the engineers to the effect that other work outside of that in the continuing contract might require attention. Six thousand dollars is the full amount recommended by the Chief of Engineers for this project.

The CHAIRMAN. The Chair understands that the gentleman withdraws the pro forma amendment.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do not believe that the chairman of this committee [Mr. BURTON] would intentionally do any member of this House an injustice in anything that he would say in discussing this bill or any other bill, so far as that is concerned. The gentleman knows that more than once on the floor of this House I have spoken of him in complimentary terms, and he knows that he has my best wishes; but I feel that what the gentleman has said has in effect done me an injustice, and it consists in this:

The gentleman alluded to a bill that I had introduced in the House (H. R. 3167) in his remarks and read a portion of it. I have the report of what the gentleman said here, but I will not stop to read it. He said in his speech, however, that the bill I introduced was for the completion of Lock No. 1 and at Harpeth. I shall read the bill to show that the gentleman did not exactly understand the bill. The bill reads as follows:

*Be it enacted, etc., That the Secretary of War be, and is hereby, directed to complete the construction of the locks and dams on the Cumberland River below Nashville, Tenn., as early as practicable and open the same to deep-water navigation, and for this purpose the sum of \$55,000, or so much thereof as may be necessary, is hereby appropriated for the completion of the excavations for the approaches to Lock No. 1 and the necessary bank protection about said lock and dam; and the sum of \$90,000, or so much thereof as may be necessary, is hereby appropriated for the completion of Lock A at Harpeth Shoals; that the work at both locks be prosecuted at once to early completion, but that the work on the approaches and dams of Lock No. 1 be completed before the water from Lock A is backed up to interfere with said work.*

Mr. Chairman, the official report of the engineer suggests that this Lock 1 be completed before the work is completed at Harpeth Shoals to prevent the water from backing up from Harpeth Shoals over the locality where Lock 1 is being located; but you will notice that the \$55,000 was to pay for the "completion of the excavations for the approaches to Lock No. 1 and the necessary bank protection about such lock and dam." This was for "excavations and bank protection."

Mr. Chairman, having in my mind some doubt as to whether or not I had the proper amounts in the bill which I had introduced, and, indeed, whether or not the distinguished chairman had it in his mind as to exactly what amount of money should be appropriated for completing the Lock A at Harpeth Shoals and Lock No. 1, I did myself the honor of calling upon the distinguished gentleman and asking him not what they were going to put in the bill for the Cumberland, because that would have been impertinent and he would not have answered me, but, in a general way, what he thought would be necessary to complete those two locks, believing then, as the case has proved to be, that

the committee would report an appropriation for Lock A and Lock No. 1, and no more.

The chairman of the committee [Mr. BURTON] replied that he had a letter from the engineer stating what amounts were necessary to complete Locks A and No. 1; that he would look it up by the next day and for me to call then, which I did, and he said he had failed to find the letter and that he would write to the engineer at once for the desired information and asked me to call again, which I did, but he still had not received a reply. The third time I called he had received a reply.

This is the first time, Mr. Chairman, that I have ever seen the gentleman from Ohio unable to answer promptly and clearly any question touching upon the river and harbor bill, but in this case he failed. Surely I may be excused for not knowing myself, not being a member of that committee. We discussed at the first meeting the probability that the price of labor and material had risen in the last year or two and the appropriation would have to be larger than heretofore; hence we both agreed that we should hear from the engineer before final action in the matter.

The letter received from the engineer I hold in my hand and will read, as follows:

WASHINGTON, February 14, 1902.

Hon. T. E. BURTON,  
Chairman Committee on Rivers and Harbors,  
United States House of Representatives.

SIR: In compliance with your verbal request I give herewith copy of a telegram sent you December 13, 1900:

"Replying to your letter of December 8, I have to say that if work is done by contract \$175,000 will be required for completion of lock and dam at Harpeth Shoals and \$100,000 for Lock and Dam No. 1, both on Cumberland River. The work can probably be done cheaper if carried on by day labor and use of Government plant. Funds for these works are practically exhausted."

"JOHN M. WILSON,  
"Chief of Engineers."

Map of rivers showing location of Harpeth Shoals and Lock No. 1 faces page 2156, part 3, Annual Report of 1890.

Very respectfully, your obedient servant,

G. L. GILLESPIE,

Brigadier-General, Chief of Engineers, United States Army.

Last session, believing that the committee would not make an appropriation except for Harpeth and Lock No. 1, I drew the bill last Congress, which I introduced, for such amounts as I was informed were needed. Taking the official estimates made to do the work at Locks A and No. 1, subtracting the amounts that had heretofore been appropriated, would give me and did give me, I thought, the amounts for the respective improvements that were needed for the time being and until a succeeding Congress could make a new appropriation, and I introduced a bill based upon such a calculation.

None of these dams, I dare say, could or would be completed at the price at which they were originally estimated. The price of labor and material varies and has varied, and for other reasons the appropriations have to be varied accordingly, and they have been, I believe, and will continue to be. Hence it was perfectly right and proper for the distinguished and learned chairman of this committee to have the engineer to state officially, as of this day and time, the amount necessary to complete these two improvements.

But the gentleman knows, and well knows, that when the Cumberland River Improvement Company and myself addressed this honorable committee a few weeks ago, that we all insisted on an appropriation sufficient to complete Lock A, at Harpeth, and Locks Nos. 1 to 7, inclusive, and, in addition, to locate Lock B on the Lower Cumberland and purchase a site for the same.

We did not stop at \$55,000 for Lock 1 nor at \$90,000 for Lock A, at Harpeth Shoals, and this honorable committee gave the Nashville committee and myself twice as much time to discuss the matter as had been previously assigned us.

So much, then, in defense of the proposition that my bills did not cover the entire situation. But this oversight is no excuse for abandoning the improvement of the Upper Cumberland at Locks Nos. 1 to 7, inclusive. Not at all. The project is entirely meritorious.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for five minutes additional. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, Major Wilson and his predecessors, I may add, in quite a number of previous Congresses have said, as I now say, this improvement should be made. But the distinguished chairman now says it should not be. The same engineers who say we should lock and dam Harpeth Shoal and Lock No. 1 have recommended the completion of the locks and dams from No. 2 to No. 7, not only to improve commerce, but for the Government to get a return for the investment already made, amounting to quite a large sum of money.



Mr. Chairman, the committee follows the recommendations of these engineers upon the Harpeth Shoals and upon Lock 1, but say they intend to abandon the locks from 2 to 7, also highly recommended by these engineers. And why? The distinguished chairman said it would take about \$6,000,000 to improve the Cumberland River above Nashville. I did not ask for \$6,000,000, nor have I ever asked for \$6,000,000, nor has the distinguished committee, composed of M. T. Bryan, F. F. Pierce, A. R. Gohlson, A. P. Jackson, W. C. Collier, C. C. Slaughter, and Edward Buford, representing the Cumberland River Improvement Association, ever asked for \$6,000,000 to complete the Upper Cumberland.

But what do they ask? They ask now for the completion of the improvement at Harpeth Shoals, which everybody confesses is the most objectionable obstruction on the Cumberland River, or more so than any other. They ask for the completion of Lock 1, which will be completed under this bill, and for the completion of Locks 2 to 7, on the Cumberland River. They do not ask now for the completion of the 22 locks above Nashville that would cost about \$6,000,000. All we ask now on the Upper Cumberland is to complete the improvement of Locks 1 to 7, which will cost about one million and three-quarters of dollars.

So if the gentleman had stated what I desire and what our people desire and think we are entitled to have, he would have said that I wanted the locks and dams already in the river completed. Then he would have stated the proposition exactly as I stated it in my speech. Then I do not believe the distinguished chairman of the committee [Mr. BURTON] would have been so condemnatory in his language.

I have not asked this Congress to give \$6,000,000 to finish Locks 1 to 22.

What does the engineer, Mr. Adams, in his report of 1899, say?

It seems impossible to urge the cost that has first been indicated with too much vehemence, being apparently the only way of securing a return for the expenditures already incurred and may hereafter be incurred within a reasonable time and for a reasonable additional outlay. I do not hesitate, therefore—

He says—

to ask for the entire sum that will be required to carry the lower-river scheme of improvement and the lower portion of the upper-river scheme of improvement to completion at an early day.

I do not hesitate—

He says—

to ask for the entire sum that will be required—

To complete the locks and dams on the Lower Cumberland, that the committee have wisely undertaken to complete, because, he says, of the investment already made, and because of the increased commerce and the recompense and the return that will come to the people. He says we should at once proceed to appropriate money for the completion of locks and dams from lock No. 2 to No. 7, and proceed on down the Cumberland.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BURTON. Mr. Chairman, I assure the gentleman from Tennessee of my sincere good will, and appreciate his own friendly opinion as manifested now and in the past. I do not say this formally merely, but sincerely and earnestly. But I do not want him to be sensitive about what I said. I should not have due regard for the welfare of the House if in the dreary waste of figures that belong to such a bill as this, I should neglect to mention a humorous incident like this.

The gentleman from Tennessee has twice introduced a bill for the work on two locks and dams there, once in the Fifty-sixth Congress and once in this. The aggregate amount which he asked for these two locks and dams was \$145,000—\$50,000 for one and \$95,000 for another, or \$55,000 and \$90,000, I have forgotten which. As I stated in my remarks, the committee "did him a blessing against his will." They put \$275,000 in the bill last winter and in the pending one. This was done, as the gentleman has said, in pursuance of a telegram, a copy of which is in the letter which he has read. This telegram was sent to us by General Wilson a year ago, and it is copied bodily in the letter of this winter, which he has read. The gentleman has been very strenuous in looking after that measure both last winter and this. However, he introduced a bill again this winter, asking for only \$145,000.

There is an explanation for this better than any given by the gentleman himself. It is evident that his secretary or some one merely copied bodily that bill of last winter and introduced it again, so that it might accomplish the same results that the other one was intended to perform, overlooking the fact that in the last bill \$275,000 or \$285,000 had been inserted by the Committee on Rivers and Harbors. But again I want to assure the gentleman—and this word may go to his constituents—that he has been active and careful in looking after their interests in this measure and in the whole Cumberland River.

I move that the committee do now rise.

Mr. GAINES of Tennessee. Just a word, Mr. Chairman.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12346, being the river and harbor appropriation bill, and had come to no resolution thereon.

#### JANITOR FOR COMMITTEE ON ENROLLED BILLS.

Mr. BULL. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The Clerk read as follows:

House resolution 125.

*Resolved*, That the Chairman of the Committee on Enrolled Bills is hereby authorized to appoint a janitor to said committee room, to be paid out of the contingent fund of the House, at the rate of \$90 per month, during the present Congress, until otherwise provided for by law.

With the following amendments:

At the end of line 4, after the word "the," insert the words "sessions of the."

At the end of the resolution insert the following:

"*Provided*, That the person appointed hereunder shall also perform janitor service in the enrolling room of the House."

The SPEAKER. The question is on agreeing to the amendments.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask if the resolution is reported by the committee?

Mr. BULL. It is the unanimous report of the committee.

Mr. RICHARDSON of Tennessee. No statement was made that the committee had considered it.

The amendments were agreed to.

The resolution as amended was agreed to.

#### LEAVE TO PRINT.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that all members who, either in the general debate or in the debate under the five-minute rule, speak upon the river and harbor bill may have leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent that all gentlemen speaking upon the river and harbor appropriation bill, either in general debate or under the five-minute rule, have leave to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 1980. An act to establish a marine hospital at Savannah, Ga.;

H. R. 6300. An act to provide for the erection of a dwelling for the keeper of the light-house at Kewaunee, Wis.;

H. R. 11474. An act for the acknowledgment of deeds and other instruments in the Philippine Islands and Porto Rico affecting land situate in the District of Columbia or any Territory of the United States;

H. R. 11241. An act to amend an act entitled "An act to regulate in the District of Columbia the disposal of certain refuse, and for other purposes," approved January 25, 1898;

H. R. 11719. An act to amend an act entitled "An act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River;

H. R. 4607. An act to provide for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.;

H. R. 5224. An act for the relief of Edward Kershner;

H. R. 3278. An act to correct the military record of C. R. Dickson;

H. J. Res. 162. Joint resolution authorizing and requesting the President to extend to the Government and people of France and to the families of Marshal de Rochambeau and Marquis de Lafayette an invitation to join the Government and people of the United States in the dedication of the monument of Marshal de Rochambeau to be unveiled in the city of Washington; and

H. J. Res. 161. Joint resolution authorizing the Secretary of War to loan tents to the Texas Reunion Association.

#### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 469. An act granting an increase of pension to Hiram H. Kingsbury;

S. 502. An act granting a pension to Alexander Beachboard;

S. 8. An act granting a pension to Sarah B. Andrews;

S. 3704. An act granting an increase of pension to Frederick E. Rodgers;

S. 462. An act granting an increase of pension to Ann Demonbrun;

S. 3329. An act granting an increase of pension to Annie McElheney;



- S. 3182. An act granting an increase of pension to Mary Louise Warden;
- S. 335. An act granting an increase of pension to Joseph H. Barnum;
- S. 577. An act granting an increase of pension to Joseph W. Burch;
- S. 3322. An act granting an increase of pension to Joseph M. Clough;
- S. 713. An act granting a pension to Frances E. Stebbins;
- S. 1015. An act granting an increase of pension to Israel A. Benner;
- S. 1041. An act granting a pension to Abbie M. Packard;
- S. 1086. An act granting a pension to Charlott H. Race;
- S. 1135. An act granting an increase of pension to Thomas J. Stowers;
- S. 1139. An act granting a pension to Abby Clark McNett;
- S. 1146. An act granting a pension to Adela S. Webster;
- S. 1164. An act granting an increase of pension to Lewis W. Moore;
- S. 1195. An act granting an increase of pension to Charles R. Bridgman;
- S. 1256. An act to remove the charge of desertion from the military record of Stephen A. Toops;
- S. 1331. An act granting a pension to Ann Eliza Trout;
- S. 1467. An act granting an increase of pension to Cynthia A. McKenny;
- S. 1626. An act granting an increase of pension to Michael Samelsberger;
- S. 1641. An act granting an increase of pension to Frank J. Clark;
- S. 1748. An act granting an increase of pension to Williamanna E. Lynde;
- S. 1800. An act granting an increase of pension to Jennie C. Ruckle;
- S. 1802. An act granting an increase of pension to Cornelia E. Wright;
- S. 1913. An act granting an increase of pension to Caroline Michler;
- S. 1933. An act granting a pension to Ella Bailey;
- S. 1940. An act granting a pension to Francis Fuller Victor;
- S. 2008. An act granting an increase of pension to Peter C. Monfort;
- S. 2013. An act granting an increase of pension to Sidney Leland;
- S. 2049. An act granting an increase of pension to Franklin Taylor;
- S. 2100. An act granting an increase of pension to John McGrath;
- S. 2267. An act granting an increase of pension to Clara A. Penrose;
- S. 2303. An act granting an increase of pension to Noah F. Chafee;
- S. 2394. An act granting an increase of pension to Sybil F. Hall;
- S. 2422. An act granting an increase of pension to John W. Durham;
- S. 2440. An act granting an increase of pension to John W. Gregg;
- S. 2468. An act granting an increase of pension to Horatio N. Francis;
- S. 2520. An act granting an increase of pension to Emma McLaughlin;
- S. 2531. An act granting an increase of pension to William H. H. Scott;
- S. 2562. An act granting a pension to Emma R. Pawling;
- S. 2643. An act granting an increase of pension to Peter C. Cleek;
- S. 2692. An act granting an increase of pension to Lucy W. Smith;
- S. 2701. An act granting a pension to Thomas G. Foster;
- S. 2767. An act granting an increase of pension to Albert D. Scovell;
- S. 2732. An act granting an increase of pension to Marie J. Smyth;
- S. 2802. An act granting a pension to Martha R. Osbourn;
- S. 2867. An act granting an increase of pension to John A. Hazelton;
- S. 2929. An act granting an increase of pension to Jacob Barton;
- S. 2930. An act granting an increase of pension to Franklin B. Delaney;
- S. 2947. An act granting an increase of pension to Elizabeth A. Shaw;
- S. 3021. An act granting a pension to India Stewart;
- S. 3026. An act granting an increase of pension to Marie U. Nordstrom;
- S. 3036. An act granting an increase of pension to Jason Leighton;
- S. 628. An act granting a pension to Annie D. Taggart;
- S. 3054. An act granting an increase of pension to Alice De K. Shattuck;
- S. 3097. An act granting an increase of pension to Joseph A. Nunez;
- S. 3257. An act granting an increase of pension to Elizabeth K. Prescott;
- S. 3258. An act granting a pension to Simon Partridge;
- S. 3267. An act to change the boundaries between the southern and central judicial districts of the Indian Territory;
- S. 3269. An act granting an increase of pension to Jane E. Tompkins;
- S. 3284. An act granting a pension to Gilbert P. Howe;
- S. 3328. An act granting an increase of pension to Heber C. Griffin;
- S. 3403. An act granting an increase of pension to George M. Emery;
- S. 3432. An act granting an increase of pension to Ida C. Emery;
- S. 3553. An act granting an increase of pension to Mary A. Van Wormer;
- S. 3559. An act granting an increase of pension to George E. Houghton; and
- S. 665. An act granting a pension to Kate Pearce.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

- S. 324. An act granting a pension to Nellie Loucks—to the Committee on Invalid Pensions.
- S. 1629. An act granting an increase of pension to James W. Humphrey—to the Committee on Invalid Pensions.
- S. 3217. An act granting an increase of pension to Charles Dixon—to the Committee on Invalid Pensions.
- S. 3283. An act to remove the charge of desertion from the military record of Charles K. Bolster—to the Committee on Military Affairs.
- S. 3554. An act granting an honorable discharge to Thomas J. Brown—to the Committee on Military Affairs.
- S. 3826. An act for the relief of Isaac P. Brown—to the Committee on Military Affairs.
- S. 4304. An act granting a pension to John S. Nelson—to the Committee on Invalid Pensions.
- S. 1363. An act granting an increase of pension to James A. McKeehan—to the Committee on Invalid Pensions.
- S. 4413. An act granting an increase of pension to Martha A. Greenleaf—to the Committee on Invalid Pensions.
- S. 4486. An act granting an increase of pension to Myra W. Robinson—to the Committee on Invalid Pensions.

Senate concurrent resolution 32:  
*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination to be made of the breakwater at Marquette, Mich., with a view to connect the said breakwater with the shore, and to report to Congress the result of such examination—*

- to the Committee on Rivers and Harbors.
- S. 270. An act to prevent trespassers or intruders from entering the Mount Rainier National Park, in the State of Washington—to the Committee on the Public Lands.
- S. 4409. An act to amend an act entitled "An act to cause the removal of weeds from lands in the city of Washington, D. C., and for other purposes," approved March 1, 1899—to the Committee on the District of Columbia.
- S. 3673. An act to correct the military record of Jacob Cooper—to the Committee on Military Affairs.
- S. 2109. An act granting an increase of pension to Charles C. Davis—to the Committee on Invalid Pensions.
- S. 311. An act to provide for the purchase of a site and the erection of a public building thereon at Laramie, in the State of Wyoming—to the Committee on Public Buildings and Grounds.
- S. 140. An act granting to the University of Utah additional lands adjacent to its site—to the Committee on the Public Lands.
- S. 3371. An act removing the charge of desertion from the name of Jacob Bowman—to the Committee on Military Affairs.
- S. 4363. An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve—to the Committee on the Public Lands.
- S. 1348. An act to provide for ocean mail service between the United States and foreign ports, and the common defense; to promote commerce, and to encourage the deep-sea fisheries—to the Committee on Merchant Marine and Fisheries.
- S. 1298. An act to provide for the purchase of a site and the erection of a public building thereon at Colorado Springs, in the State of Colorado—to the Committee on Public Buildings and Grounds.
- S. 2845. An act to purchase from the compiler, Francis B. Heitman, the manuscript of the Historical Register United States Army from 1789 to 1901—to the Committee on Military Affairs.



## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SLAYDEN, indefinitely, on account of important business.

Mr. BURTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *James and William*, Nicholas Monnycott, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with accompanying papers, a draft of a bill providing for the extension of the limits of the Yellowstone National Park—to the Committee on the Public Lands, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12093) to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C., reported the same without amendment, accompanied by a report (No. 1084); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10517) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," reported the same without amendment, accompanied by a report (No. 1088); which said bill and report were referred to the House Calendar.

Mr. BROUSSARD, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11636) providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural College, reported the same with amendments, accompanied by a report (No. 1086); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OVERSTREET, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3449) to establish an additional land office in the State of Montana, reported the same without amendment, accompanied by a report (No. 1085); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Iowa, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," reported the same with amendment, accompanied by a report (No. 1089); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7536) for the relief of the estate of George W. Saulpaw, reported the same without amendment, accompanied by a report (No. 1087); which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Appropriations was discharged from the consideration of the bill (S. 258) providing additional funds for the establishment of a light-house and fog-signal station at Browns Point, on Commencement Bay, State of Washington; and the same was referred to the Committee on Interstate and Foreign Commerce.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WACHTER: A bill (H. R. 12759) authorizing the payment of certain certificates—to the Committee on Claims.

By Mr. BROWNLOW (by request): A bill (H. R. 12760) to give longevity pay to employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. COCHRAN: A bill (H. R. 12761) to provide for the erection of a public building at Maryville, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. RYAN: A bill (H. R. 12762) to authorize the Mather Power Bridge Company, of New York, to construct in the Niagara River, at or near the city of Buffalo, N. Y., an experimental span for a power bridge—to the Committee on Interstate and Foreign Commerce.

By Mr. RAY of New York: A bill (H. R. 12763) to provide additional punishment upon a second or other conviction under the laws against counterfeiting—to the Committee on the Judiciary.

Also, a bill (H. R. 12764) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations and Article VII of the treaty between the United States and Spain"—to the Committee on the Judiciary.

By Mr. PAYNE: A bill (H. R. 12765) to provide for reciprocal trade relations with Cuba—to the Committee on Ways and Means.

By Mr. LEVER: A bill (H. R. 12795) to provide for the erection of a monument to Maj. Gen. Thomas Sumpter—to the Committee on the Library.

By Mr. BELL: A bill (H. R. 12796) providing for free homesteads in the Ute Indian Reservation in Colorado—to the Committee on the Public Lands.

By Mr. SMITH of Arizona: A bill (H. R. 12797) to ratify act numbered 65 of the Twenty-first Arizona legislature—to the Committee on the Territories.

By Mr. GRAFF: A bill (H. R. 12798) to fix the status of the officers of the Porto Rico Provisional Regiment of Infantry—to the Committee on Insular Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 12799) to prevent robbing the mail, to provide a safer and easier method of sending money by mail, and to increase the postal revenues—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLESON: A concurrent resolution (H. C. Res. 45) relating to the printing of the American Ephemeris and Nautical Almanac—to the Committee on Printing.

By Mr. MORRIS: A memorial relative to Senate bill 1118, concerning the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases—to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BRICK: A bill (H. R. 12766) granting an increase of pension to George M. Veach—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 12767) for the relief of the legal representatives of Reuben Opp, deceased, late of Lafayette, Ind.—to the Committee on War Claims.

By Mr. DAHLE: A bill (H. R. 12768) granting an increase of pension to Nels Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12769) granting an increase of pension to James F. Smith—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 12770) granting a pension to Carrie M. Schofield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12771) granting a pension to William Kenney—to the Committee on Pensions.

By Mr. GILL: A bill (H. R. 12772) granting an increase of pension to David C. Peck—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 12773) granting an increase of pension to Edward Gordon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12774) granting an increase of pension to John M. Brown—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 12775) for the relief of the heirs and assignees of Thomas Whaley and wife—to the Committee on Private Land Claims.

By Mr. LITTAUER: A bill (H. R. 12776) granting a pension to William H. Mosley—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: A bill (H. R. 12777) granting a pension to George H. Young—to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 12778) granting an increase of pension to Edward R. Blain—to the Committee on Pensions.

Also, a bill (H. R. 12779) granting an increase of pension to George Chamberlain—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 12780) granting an increase of pension to William H. Wheeler—to the Committee on Pensions.

By Mr. POWERS of Maine: A bill (H. R. 12781) for the relief of Lewis Merriam—to the Committee on Military Affairs.

Also, a bill (H. R. 12782) granting a pension to Asa C. Eastman—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 12783) to correct the military



record of William H. Harris—to the Committee on Military Affairs.

By Mr. SALMON: A bill (H. R. 12784) granting an increase of pension to Ira Munson—to the Committee on Invalid Pensions.

By Mr. SCHIRM: A bill (H. R. 12785) granting an increase of pension to John M. Barron—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 12786) granting a pension to George W. Arnold—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 12787) granting a pension to Jefferson S. Brown—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 12788) granting a pension to Elizabeth McDonald—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of Ohio: A bill (H. R. 12789) granting an increase of pension to Alexander S. Hempstead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12790) granting an increase of pension to William R. Milot—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12791) granting an increase of pension to Matthew Cherry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12792) to remove charge of desertion against William F. Elliott and granting his widow, Lydia, a pension of \$24 per month—to the Committee on Military Affairs.

Also, a bill (H. R. 12793) restoring name of Acsah Barnes to pension roll and granting her a pension—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 12794) to refer to the Court of Claims the claim of Benjamin A. Pillsbury, owner of the schooner *A. B. Sherman*, for damages caused by collisions with United States war ships—to the Committee on the Judiciary.

By Mr. BURTON: A bill (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 12801) to pay D. Van Aken & Co. for services rendered in the relief of United States transport *Manitoba*, and United States naval boat *Saturn*, and the Van Aken expedition—to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12802) granting a pension to William H. McKenny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12803) granting a pension to Robert J. Tate—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Atlantic Coast Seamen's Union, Port of Philadelphia, Pa., favoring eight-hour day labor—to the Committee on Labor.

Also, resolution of Society of Amalgamated Lace Curtain Operatives, Philadelphia, Pa., favoring exclusion of undesirable immigrants—to the Committee on Immigration and Naturalization.

By Mr. APLIN: Petitions of citizens of the Tenth Congressional district of Michigan, against the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of citizens of the Tenth Congressional district of Michigan, favoring passage of a law for exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. BALL of Delaware: Petition of United Labor League No. 1, Wilmington, Del., asking for reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Boiler Makers and Shipbuilders' Lodge No. 59, Carpenters' Union, and Labor League, all of Wilmington, Del., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BELL: Petition of Excelsior Engineers' Union, Victor, Colo., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Denver Trades and Labor Assembly, favoring the irrigation of the arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolution of Bricklayers' Union of Cripple Creek, Colo., favoring exclusion of Chinese from the United States and insular possessions—to the Committee on Foreign Affairs.

By Mr. BRICK: Resolutions of Bricklayers' Union No. 18 and Typographical Union No. 128, of South Bend, Ind., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Painters and Paperhangers' Union of Elkhart, Ind., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BROMWELL: Resolution of Painters' District Council and Painters and Decorators' Union, of Cincinnati, Ohio, for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. BURK of Pennsylvania: Resolutions of the Atlantic Coast Seamen's Union, urging the passage of the eight-hour law—to the Committee on Labor.

Also, resolutions of the Lace Curtain Operatives of America, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURLESON: Petition of Boiler Makers' Union No. 265, of Smithville, Tex., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CONNELL: Petition of the American Chamber of Commerce of Manila, suggesting needed legislation for the Philippine Islands—to the Committee on Insular Affairs.

Also, petition of citizens of Lackawanna County, Pa., asking Congress to take action with a view of stopping the war in South Africa—to the Committee on Foreign Affairs.

Also, resolutions of Interstate Irrigation Congress of Colorado and Nebraska delegates in joint convention, favoring irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of Cigar Makers' Union No. 436, of Oliphant, Pa., and Locomotive Engineers' Division No. 468, of Carbondale, Pa., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, resolutions of Division No. 12, Order of Railway Conductors, Scranton, Pa.; Bricklayers' Union No. 18, of Scranton; Cigar Makers' Union No. 436, of Oliphant; Typographical Union No. 239, Carbondale, and citizens of Archbald, Pa., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. COOPER of Texas: Petition of Revival Division, No. 194, Locomotive Engineers, of Palestine, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Resolution of Business Men's Association of Sparta, Wis., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Business Men's Association of Sparta, Wis., in favor of the passage of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Chamber of Commerce of Manila, P. I., suggesting needed legislation for the Philippine Islands—to the Committee on Insular Affairs.

By Mr. EVANS: Papers to accompany House bill 9987, granting a pension to Aaron Young—to the Committee on Invalid Pensions.

By Mr. FLEMING: Resolutions of Order of Railway Conductors, Division No. 202, of Augusta, Ga., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of the Atlantic Coast Seamen's Union, port of Philadelphia, in favor of the eight-hour law—to the Committee on Labor.

Also, resolutions of the New York Retail Grocers' Union and United Retail Grocers' Union, of Brooklyn, N. Y., in opposition to the repeal of the duty on tea—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolution of Bay State Lodge, No. 88, Brotherhood of Railway Trainmen, of Worcester, Mass., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of board of aldermen of Boston, Mass., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

By Mr. GREEN of Pennsylvania: Petition of citizens of Reading, Pa., asking for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolution of Iron Molders' Union No. 335, of Allentown, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Journeymen Bakers' Union No. 150, of Reading, Pa., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Typographical Union No. 86, American Federation of Labor, of Reading, Pa., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

By Mr. HEMENWAY: Resolution of Painters and Paper Hangers' Union of Princeton, Ind., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Mississippi: Papers relating to the claim of Thomas Wheeler and wife—to the Committee on Private Land Claims.

By Mr. JACK: Petition of B. L. Junker, of Indiana, Pa., for removal of the tariff on hides—to the Committee on Ways and Means.

Also, resolution of Division 144, Railway Conductors, Derry,



Pa., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. JOY: Petition of C. A. McNair and 3 others, of St. Louis, Mo., against reciprocity concessions, to the sacrifice of American industries—to the Committee on Ways and Means.

By Mr. LACEY: Resolution of Phil Kearny Post, Grand Army of the Republic, Oskaloosa, Iowa, in favor of the militia-reorganization bill—to the Committee on the Militia.

Also, petition of Mrs. H. C. Guernsey and others, of Bloomfield, Iowa, in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petitions of Iron Molders' Union of Westfield, Stationary Firemen's Union of Holyoke, and Barbers' Union of North Adams, Mass., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LITTLEFIELD: Resolutions of Stone Masons' Union No. 5, of Lewiston, Me., and Granite Cutters' Union, of Stonington, Me., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. McDERMOTT: Resolutions of Hoboken Typographical Union, No. 323, and Boiler Makers and Ship Builders' Lodge No. 16, of Jersey City, N. J., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Neptune Division, No. 169, Order of Railway Conductors, Jersey City, N. J., advocating extension of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MERCER: Resolution of the city council of Omaha, Nebr., approving the bill for the suppression of train robberies in the Territories of the United States—to the Committee on the Territories.

Also, resolution of Burnside Post, No. 79, Grand Army of the Republic, Department of Nebraska, in favor of service pension and other pension legislation—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: Resolutions of Boston (Mass.) Division, Order of Railway Conductors, approving Senate bill 1118 and House bill 11060—to the Committee on the Judiciary.

Also, petition of Major Boyd Post, Grand Army of the Republic, West Newbury, Mass., asking for a committee of investigation into the affairs of the Pension Office—to the Committee on Rules.

Also, resolutions of Major Boyd Post, Grand Army of the Republic, West Newbury, Mass., favoring the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of M. E. Richards Post, Grand Army of the Republic, Pottstown, Pa., favoring construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. MORRELL: Resolutions of Lace Curtain Operatives' Association, Philadelphia, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Atlantic Coast Seamen's Union, favoring the enactment of the eight-hour law—to the Committee on Labor.

Also, petition of the American Chamber of Commerce of Manila, P. I., suggesting needed legislation for the Philippines—to the Committee on Insular Affairs.

Also, resolution of Typographical Union No. 6, of New York City, urging the passage of bill increasing the salary of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Stone Masons' Union of Philadelphia, Pa., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MORRIS: Resolutions of St. Paul (Minn.) Trades and Labor Assembly and Printing Pressmen's Union No. 53, of Duluth, Minn., favoring irrigation and reclamation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

Also, resolutions of Department of Minnesota Encampment, Grand Army of the Republic, held in Minneapolis, Minn., asking for a more liberal construction of the pension laws—to the Committee on Invalid Pensions.

Also, petition of Cigar Makers' Union No. 294, Duluth, Minn., against reduction of the present tariff on cigars—to the Committee on Ways and Means.

Also, petition of Retail Grocers and General Merchants' Association of Minnesota, in favor of the passage of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Mrs. H. H. Phelps, J. Madan, and others, of Duluth, Minn., for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

Also, resolutions of Machinists' Union No. 197, of Brainerd, and Plumbers' Union No. 11, of Duluth, Minn., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of German-American Central Bund of Minne-

sota, opposing the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of M. Clancy Division, No. 360, Order of Railway Conductors, Two Harbors, Minn., and Bessemer Division, No. 539, Locomotive Engineers, of Proctor Knott, Minn., favoring bill to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

Also, petitions of McQueen Division, No. 420, Locomotive Engineers, of Two Harbors, Minn., and Stone Masons' Union No. 4, Bricklayers' Union No. 3, and Carpenters' Union No. 361, all of Duluth, Minn., advocating extension of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Plumbers' Union No. 11, Brewery Workers' Union No. 133, Stonecutters' Association, Steam Fitters' Union No. 23, Railroad Trainmen's Lodge No. 569, Printing Pressmen's Union No. 53, Cigar Makers' Union No. 294, and Carpenters' Union No. 361, all of Duluth, Minn.; M. Clancy Division, No. 360, Order of Railroad Conductors, and Brainerd Division, No. 197, and Missabe Division, No. 403, Proctor Knott, Minn.; Stonecutters' Association, Sandstone Branch; Carpenters' Union No. 930, of St. Cloud, Minn.; Iron Molders' Union No. 226, of Brainerd, and Locomotive Engineers' Division No. 413, of Melrose, and No. 420, of Two Harbors, Minn., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. NEVIN: Petitions of the Gem City Boiler Company, Vienna Model Bakery, William J. Webber, W. H. Leslie, the National Waterproof Sign Company, the Dayton Steam Boiler Works, George J. Roberts & Co., the Dayton Ice Manufacturing and Cold Storage Company, Giele & Pflaum (printers), the Dayton Fan and Motor Company, the Royal Remedy and Extract Company, the Patterson Tool and Supply Company, the M. Ohmer's Sons Company, the New Era Iron Works Company, the Stillwell-Bierce & Smith Vaile Company, the Dayton Malleable Iron Company, the Walker Lithographing and Printing Company, the C. W. Raymond Company, D. L. Bates & Bro., the Canby, Ach & Canby Company, the Joyce Cridland Company, and of Kling Brothers, all of Dayton, Ohio, protesting against the passage of Senate bill 1118, limiting the meaning of the word "conspiracy," etc.—to the Committee on the Judiciary.

By Mr. OTJEN: Resolutions of the Merchants and Manufacturers' Association, of Milwaukee, Wis., for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Typographical Union No. 23, of Milwaukee, Wis., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, petition of J. H. Morgan, F. Singleton, and others, in regard to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PUGSLEY: Resolutions of Union No. 54, Bricklayers, Masons, and Plasterers, of New Rochelle; of Union No. 52, Bricklayers and Masons, of Mount Vernon; of Local Union No. 59, Advance Association of Steam and Hot Water Fitters and Helpers, of Yonkers; of Hudson Valley Lodge, International Association of Machinists, of North Tarrytown; of Cigar Makers' Union No. 81, of Peekskill; of Carpenters and Joiners' Union No. 42, of New Rochelle, and of Yonkers Lodge, No. 60, International Association of Machinists, all of New York, for enactment of law forbidding immigration of illiterate persons—to the Committee on Immigration and Naturalization.

Also, resolutions of Yonkers Typographical Union, No. 468; of Yonkers Hat Finishers' Association, Union No. 22, of Yonkers, N. Y.; of Bricklayers and Plasterers' Union No. 51, of New Rochelle, N. Y.; and of Granite Cutters' Union of Peekskill, N. Y., urging enactment of Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of American Paper and Pulp Association of New York, favoring establishment of a permanent Census Bureau—to the Select Committee on the Census.

Also, resolutions of United Retail Grocers' Association of Brooklyn, N. Y., urging passage of pure-food bill—to the Committee on Agriculture.

Also, resolutions of the Omaha Commercial Club, of Omaha, Nebr., favoring reclamation and settlement of arid public domain—to the Committee on Irrigation of Arid Lands.

By Mr. PALMER: Petitions of Rev. Henry E. Spayd, Katharine Wilcox, and others, of Luzerne County, Pa., for the passage of the antipolygamy amendment bill—to the Committee on the Judiciary.

Also, petitions of Division No. 272, Brotherhood of Locomotive Engineers; Mill Workers' Union No. 665, and Cigar Makers' Union, all of Wilkesbarre, Pa.; Black Diamond Lodge, No. 179, and E. B. Baldwin and others, of Pittston, Pa.; Brotherhood of Painters and Paper Hangers and Iron Molders' Union No. 344, of Hazelton; Carpenters' Union No. 414, of Nanticoke, and Plasterers' Association of Wilkesbarre, Pa., favoring an educational



test for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of Powder Makers' Union No. 8745, of Olivers Mills, Pa., and Metal Workers' Union No. 44, Cotton Workers' Union No. 8957, Brewery Workmen's Union No. 185, and Bricklayers and Masons' Union No. 30, all of Wilkesbarre, Pa., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. PATTERSON of Pennsylvania: Petition of Bricklayers and Plasterers' Union No. 47, of Pottsville, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Tennessee: Petition of Bricklayers' Union No. 1, of Memphis, Tenn., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of Bricklayers' Union No. 1, of Memphis, Tenn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. POWERS of Massachusetts: Resolutions of City Point Lodge, No. 507, Brotherhood of Railroad Trainmen, urging the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. RAY of New York: Resolution of Bricklayers' Union, Norwich, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Printing Pressmen's Union of Binghamton, N. Y., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Indiana: Petition of Gottlieb Hitzemann, of Fort Wayne, Ind., in favor of the passage of House bill 9352, known as the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL: Resolutions of Granite Cutters' Union of Oneco, and Bricklayers' Union No. 12, of Norwich, Conn., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Bricklayers' Union No. 12, of Norwich, Conn., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of Painters' Union of Buffalo, N. Y., favoring exclusion of undesirable immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the American Chamber of Commerce of Manila, urging legislation for the Philippines—to the Committee on Insular Affairs.

By Mr. SCHIRM: Resolution of Cigar Makers' Union No. 1, of Baltimore, Md., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SHATTUC: Petitions of Glass Bottle Blowers' Branch No. 27, Carriage and Wagon Workers' Local Union No. 23, Type Founders' Union No. 4, Journeymen Plasterers' Association No. 1, Wood Workers' Union No. 158, Carriage Drivers' Union No. 270, Jewelry Workers' Union No. 4, Carpenters' Union No. 676, Allied Metal Mechanics' Union No. 95, and Stone Masons' Union No. 15, all of Cincinnati, Ohio, in favor of an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of Lithuanian Politic Club, of Naugatuck, Conn., against any proposition to restrict the immigration of healthy and honest persons—to the Committee on Immigration and Naturalization.

Also, resolutions of Retail Clerks' Protective Association No. 441, of New Haven, Conn., favoring restrictive legislation on immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Retail Clerks' Protective Association No. 441, of New Haven, Conn., to exclude Chinese laborers—to the Committee on Foreign Affairs.

By Mr. SAMUEL W. SMITH: Memorial of Reformed Presbyterian Church of Southfield, Mich., for the amendment or radical modification of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petitions of Lansing City Lodge, No. 384; Team Drivers' Union No. 298, and Plasterers' Union No. 184, of Flint, Mich., favoring the prohibition of immigrants, other than wives or children, who can not read—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky: Papers to accompany House bill 12787, granting a pension to Jefferson G. Brown—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: Resolution of Division No. 395, Order of Railway Conductors, Salt Lake City, Utah, asking for the passage of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. SULZER: Resolution of Typographical Union No. 228, of Norwood, Mass., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

By Mr. THOMAS of Iowa: Papers to accompany House bill 8287, granting a pension to Peter Johnson—to the Committee on Invalid Pensions.

By Mr. WARNER: Resolutions of Columbian Division, No. 519, Brotherhood of Locomotive Engineers, Chicago, Ill., and F. W. Arnold Lodge, No. 44, Brotherhood of Locomotive Firemen, East St. Louis, Ill., urging the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of Retail Clerks' Protective Union No. 514, of Clinton, Ill., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Illinois: Letter of Robert J. Tate, to accompany House bill 6413, regarding his pension claim—to the Committee on Invalid Pensions.

By Mr. WOODS: Petition of San Francisco Labor Council, favoring the passage of House bill No. 9, relating to Army and Navy musicians competing with civilians in their occupation—to the Committee on Labor.

Also, petitions of officers of the California National Guard, favoring House bill 11654, increasing the efficiency of the militia—to the Committee on Militia.

## SENATE.

THURSDAY, March 20, 1902.

Prayer by Rev. F. J. PRETTYMAN, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CLAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### PERSONS IN CLASSIFIED SERVICE FROM NEW HAMPSHIRE.

The PRESIDENT pro tempore laid before the Senate a communication from the president of the Civil Service Commission, transmitting, in response to a resolution of the 13th instant, a list of persons in the classified service charged to the State of New Hampshire, with their legal residence, time when appointed, etc.; which, with the accompanying paper, was ordered to lie on the table and be printed.

GERTRUDE NOLASCO.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Gertrude Nolasco v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

W. T. RATLIFF.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of W. T. Ratliff, administrator of S. N. Clark, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### LOUISIANA PURCHASE EXPOSITION COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of February, 1902, furnished by the Louisiana Purchase Exposition Commission, in pursuance of section 11 of the act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory, etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, March 20, 1902.

### CLAIMS AGAINST COLOMBIA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

In response to the resolution of the Senate of May 15, 1900, requesting the President, "if not in his opinion incompatible with the public interest, to furnish the Senate with copies of all the correspondence and papers in regard to the claims of Messrs. Isaacs and Asch and other citizens of the United States against the Government of Colombia, growing out of the withdrawal of the military forces and police from Colon by the Colombian Government and the firing of the city by the insurgent Pedro Prestan, in the year 1885," I transmit herewith a report by the Secretary of State, with accompanying papers.

THEODORE ROOSEVELT.

WHITE HOUSE,  
Washington, March 20, 1902.

The PRESIDENT pro tempore. If there be no objection, the message and the index of papers referred to will be printed. The accompanying papers the Chair thinks ought not to be printed—at